

# FEMICIDE

Volume VII

Establishing a Femicide Watch  
in Every Country



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RESEARCH  
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# **FEMICIDE**

## **Establishing a Femicide Watch in Every Country**

Volume VII

# PREFACE

Unless there is accurate and comparable data collection on a given crime, there will be no proper understanding of it and no effective strategy with which to combat it. Having clear data helps law makers and government officials win the public's support for tackling it through targeted prevention and investigation resources. Femicide has been defined as murder of a woman by an intimate partner or family members and the targeting of women by criminal gangs or as a weapon of war. It has been universally recognised as a crime. But how do horrific crimes of this type so often slip under the radar? Why is it so difficult to collect data on such an abhorrent criminal activity and, subsequently, to arrest the perpetrators?

In 2015 Dr. Dubravka Šimonović, UN Special Rapporteur on Violence against Women called for “the establishment of femicide watches or observatories on violence against women which should collect data on gender related killing of women and femicide and analyse, with the assistance of interdisciplinary review panels, all femicide cases including court decisions in order to identify gaps in the intervention system, criminal justice and criminal procedures system, as well as risk factors to prevent and protect women and girls from those killings.”

*FEMICIDE VII* will provide a special focus on data collection on femicides: what the challenges are, what is being done currently, and what we should be doing in the future.

On 25 November 2016 in Vienna, Austria, experts from around the world gathered for an ACUNS/OSCE UNODC symposium entitled “Combating Femicide”; Dr. Šimonović reiterated the importance of establishing a Femicide Watch in each country. Excerpts from this conference are featured in this publication; they include UNODC Deputy Executive Director Aldo Lale-Demoz, the Austrian Ambassador Clemens Koja. and Biljana Branković, member of the Group of Experts on Action against Violence against Women and Domestic Violence.

We felt it essential to include a chapter on Latin America in this publication. Through various actions by the public, most notably the movement NiUnaMenos and other women's organizations, laws have been changed in many countries of Central and South America, in part thanks to the collection of data. This campaign has been very successful across Latin America to raise public awareness and put pressure on governments to better tackle violence against women and invest more in preventive measures.

Outside of Latin America, other groups are having an impact. Sick of the police's apathetic approach to reporting on femicides, Karen Ingala Smith, who also spoke at the November 25 OSCE symposium, started to record victims of femicide herself. As a result of her initiative, the volunteer-run Femicide Census project was established in the UK. Another article in this publication comes from the Minnesota (US) Battered Women's Coalition, which has been compiling an annual report on femicide for nearly thirty years. We are also very pleased to feature contributions from some of the experts who took part in the EU COST action “Femicide across Europe” study.

Para nuestros lectores del mundo hispano, tenemos algunos artículos disponibles en español.

Through hard data, we can change laws; through laws, we can then work on changing attitudes to femicide. We hope that *FEMICIDE Volume VII* not only outlines the importance of data collection but also contributes towards the establishment of Femicide Watches around the globe.

*Helen Hemblade and Michael Platzer*

# FOREWORD

Given the persistence of all forms of violence against women including femicide, fragmented legislative response and the serious lack of comparable data on femicide at a global, regional, and national level, I have called for the establishment of a “Femicide watch” that would contribute to prevention of such violence. These national bodies – Femicide watches or Observatories on femicide should collect and publish numbers of femicides throughout the year on the 25 November – International Day on the Elimination of Violence against Women –disaggregated by age and sex of the perpetrators, as well as the relationship between the perpetrator and the victim or victims.

I have been impressed by the young scholars and activists of the Academic Council on the United Nations System in Vienna and Mr. Michael Platzer who have been outraged by the many heinous forms of the gender related killing of women and girls. Since 2012, they have organised high level discussions with Member States both in Vienna and New York on diverse issues and successfully promoted the adoption of two General Assembly resolutions on gender related killing of women. This is now the seventh volume of FEMICIDE. This publication serves as a useful handbook of what is being done and said at the United Nations and other international bodies but also gathers information about research and actions taken by women’s organisations, academics and countries from around the world. It is a great example of civil society collaboration with UN mandate holders and effective cooperation with member states.

*Dr. Dubravka Šimonović,  
UN Special Rapporteur  
on violence against women,  
its causes and consequences*

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# PART I

## General Documentation

“Violence against women and girls is still so deeply embedded in cultures around the world that it is almost invisible. Yet this brutality is not inevitable. Once recognised for what it is - a construct of power and a means of maintaining the status quo – it can be dismantled.”

*Professor Charlotte Bunch  
of Rutgers University, 1997*

# Why We Need a Femicide Watch

by Dr. Dubravka Simonovic

On 25 November 2015, the International Day for the Elimination of Violence against Women, as the UN Special Rapporteur on violence against women, its causes and consequences, I called all states to focus on the prevention of femicide or gender-related killing of women by establishing a “Femicide Watch”.<sup>1</sup>

Femicide or gender related killing of women is a gender-based violence against women. It is directed against a woman because she is a woman. Such killings affect women disproportionately. In addition to being an act of the most atrocious form of violence against women, femicide is the most visible manifestation of the systematic and widespread discrimination and inequality that women and girls continue to face around the world. Women and their children continue to die in cruel ways as victims of gender related killings committed by family members or intimate partners. However, the predominate collection of data on homicides do not include information on the relationship between perpetrator and victim and as such do not reveal femicide cases.

Information concerning the prosecution and punishment of perpetrators should also be collected and published. Most importantly, each case of gender-related killing should be carefully analysed to identify any failure of protection, also in view of improving and developing further preventive measures. Too often this analysis focuses only on legislation and does not reveal, for example, the inefficiency of protection orders, the lack of adequate shelters’ provision, or the general gender blind response of the criminal justice system. These shortcomings should be properly detected through the provision of a multidisciplinary national mechanism such as a ‘Femicide Watch’, ‘Gender-Related Killing of Women Watch’ or an ‘Observatory on Femicide’. In the collection, analysis and publication of such data, States should co-operate with NGOs, independent human rights institutions, academia, victims’ representatives, and all relevant stakeholders working in this field.

## Developments of the Femicide Watch Initiative

This initiative has been built upon the work done by my predecessor in this mandate Ms. Rashida Manjoo who presented the Report (A/HRC/20/16) on gender-related killing of women to the Human Rights Council<sup>2</sup> on 23 May 2012, based on the Report delivered by the Expert Group on gender-motivated killing of women (A/HRC/20/16/Add.4), which analysed different forms of gender related killings.<sup>3</sup>

## 14 March 2016, Statement at the 60th Session of the Commission on the Status of Women (CSW60)

In the Statement delivered at the sixtieth session of the Commission on the Status of Women (CSW60),<sup>4</sup> I stressed the existence of major barriers in preventing femicides or gender-related killing of women and in developing meaningful strategies to address this serious human rights violation. Among the most relevant issues I have included: shortcomings of national prevention systems, the lack of proper data collection mechanisms, the absence of risk assessment, and the scarcity and poor quality of data on femicide. Such gaps result in misidentification, concealment and under-reporting of gender-motivated killings, including those of female women belonging to ethnic groups. I have further called for collection and analysis of data as tools to prevent the killings of women, with a view of identifying any failure of the protection system and further developing preventive measures.

<sup>1</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16796&LangID=E>

<sup>2</sup> [http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16\\_En.pdf](http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf)

<sup>3</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4_en.pdf)

<sup>4</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18524&LangID=E>



## **23 May 2016, 25th session of the Commission on Crime Prevention and Criminal Justice (CCPCJ)**

In May 2016, I participated in the twenty-fifth session of the Commission on Crime Prevention and Criminal Justice (CCPCJ), in Vienna and<sup>5</sup> delivered a statement highlighting the importance of enhancing cooperation with the Commission, with a view to accelerate the implementation of the mandate's goals at the level of gender sensitive national criminal justice systems and prevention of femicide. I have also announced the 2016 GA report on "Modalities for the establishment of femicide/gender-related killings watch" (A/71/398) and envisaged looking at designing a Global Protocol for the investigation of femicide inspired by the Latin American Model Protocol for the investigation of gender-related killings of women.<sup>6</sup> I have elaborated that the Femicide watch initiative fits into the broader context of the gathering and analysing of data on VAW in the framework of the 2030 Sustainable Development Agenda.

## **19 June 2016, Human Rights Council - Report A/HRC/32/42**

In my "vision-setting report"<sup>7</sup> to the Human Rights Council as the Special Rapporteur I have set out the thematic priorities of the mandate. I included among its thematic pillars the establishment of a "femicide watch" or "gender-related killings of women watch" and explained the whole initiative. I also explained that legal requirements for States to collect such data have already been established through:

- General Assembly resolution 70/176 on action against gender-related killing of women and girls, in which the General Assembly encouraged Member States to collect, disaggregate, analyse and report data on gender-related killing of women and girls and to ensure that appropriate punishment for perpetrators of gender-related killings of women and girls are in place and are proportionate to the gravity of the offence.

- CEDAW Committee General recommendation No. 19, where the Committee explicitly recognize importance of collecting statistical data to understand the situation of women paragraph 24 (c).
- Convention of Belém do Pará, article 8 (h), which requires gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women.
- Istanbul Convention, article 11, which requires to States parties to collect, disaggregated relevant statistical data on cases of all forms of violence.

Thereby, I have pointed out that general requirements concerning the collection of data on violence against women have been already established under the international human rights framework, the General Assembly resolution 70/176 on action against gender-related killing of women and girls, that has provided for the first time a specific requirement for States to disaggregate, collect, analyse and report data on gender-related killing of women and girls. The establishment of a "Femicide Watch" would bring a special emphasis to the analysis of this information, as a catalyst for prevention and change. "Where the situation in which femicides are committed is highlighted, it will stimulate the work across existing obligations, particularly with regard to addressing social attitudes that accept or normalize violence."

## **23 September 2016 General Assembly Report (A/71/398)**

On 23 September 2016, I have presented to the General Assembly the Report (A/71/398) on "Modalities for the establishment of femicides/gender-related killings watch" and recommended modalities for the establishment at the global, regional and national levels of a "femicide watch" or national observatories on violence against women that will work as preventive mechanisms.<sup>8</sup>

<sup>5</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20013&LangID=E#sthash.q13ojeCL.dpuf>

<sup>6</sup> UNODC, UN Women, UNHCHR and UNFPA "Recommendations for action against gender-related killing of women and girls" [https://www.unodc.org/documents/justice-and-prison-reform/15-08233\\_A4-GRK\\_eBook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/15-08233_A4-GRK_eBook.pdf)  
Latin American OHCHR/UN Women, "The Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)", 25 August 2014; <http://www.un.org/en/women/endviolence/pdf/LatinAmericanProtocolForInvestigationOfFemicide.pdf>

<sup>7</sup> HRC Report A/HRC/32/42 paras 45-50 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/080/53/PDF/G1608053.pdf?OpenElement>

<sup>8</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/71/398&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/71/398&Submit=Search&Lang=E)

In that report I have built upon the existing work regarding data collection on homicide/femicide and proposed a flexible model for the establishment of a national body or “Femicide Watch” which could be a new independent interdisciplinary body, or integrated in existing observatories or other independent mechanisms, such as ombudspersons or human rights commissions. I have proposed that in general, States should disaggregate femicide data under two broad categories that could further include subcategories in line with national realities:

- i) intimate partner femicide/ family related femicide  
- based on relationship between the victim and the perpetrator
- ii) other femicides

The main idea is that the Femicide Watch should go beyond collection and publication of data, and focus on systematic gaps and shortcomings of national civil and criminal justice frameworks and systems. It should include information on conduct of police and public prosecutors, efficiency of protection orders, availability of shelters and individual protective measures. I have stressed that each case is an individual woman’s tragic story and there is an urgent need to focus on the prevention of these avoidable killings.

I called all stakeholders including states, national human rights institutions, non-governmental organisations and members of academia, to send their inputs and views on the following items to the mandate:

- Existing legislative models or operational guides for the investigation of gender-related killings of women;
- Existing good practices regarding collection of data on femicides or gender related killings of women;
- Landmark jurisprudence from international, regional, and national courts, on gender-related killings of women.<sup>9</sup>

<sup>9</sup> <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/FemicideWatch.aspx>

<sup>10</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20911&LangID=E>

<sup>11</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20953&LangID=E>

## **25 November 2016, Joint Statement of all Key Global and Regional Experts on VAW and Femicide Watches**

On the occasion of the International Day for the Elimination of Violence against Women, I have reached for the support from other independent experts for the establishment of a Femicide watch. This was achieved through a joint statement of all key global and regional women’s rights expert mechanisms. The United Nations Special Rapporteur on violence against women, the Committee on the Elimination of Discrimination against Women (CEDAW), the Inter- American Special Rapporteur on violence against women, the Special Rapporteur on the Rights of Women in Africa, the United Nations Working Group on the issue of discrimination against women in law and in practice, the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) and the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe (GREVIO) issued a joint call, asking for the intensification of international, regional and national efforts for the prevention of femicide and gender-based violence.<sup>10</sup>

## **25 November 2016, OSCE - UNODC Gender Symposium on Combating Femicide**

I participated at the OSCE-UNODC Gender Symposium on Combating femicide and stressed that preventing and combating femicide and other forms of violence against women requires evidence based policy making. Collection of data is also required to follow-up on the implementation of goal 5 target 2 on elimination of violence against women and girls in public and private sphere by the 2030 Sustainable Development Goals Agenda. I have reiterated my conviction that “Femicide Watch” should be seen as a practical mechanism to improve and strengthen already existing preventative measures by identifying possible failures of protection. Additionally, it would promote awareness about the issue of gender-based violence against women and incite further actions for its prevention.<sup>11</sup>

**During her official country visits the Special Rapporteur on violence against women issued the following recommendations:**

**South Africa, 4 -11 December 2016 (A/HRC/32/42/Add.2)<sup>12</sup>**

- To expand the collection of data to all forms of VAW, including femicides, domestic violence and all all types of sexual offenses under the SOA. Data should include details on sex, age, sexual orientation, disability as well as relationship between perpetrator and victim.
- To encourage the establishment of “femicide watches” in each of the 9 provinces and a “femicide watch” at the national level and analyse each case of femicide in order to identify any failure of protection with a view of improving and developing further preventive measures. The Gender Equality Commission should be entrusted with the compilation of data from the provincial level and be responsible for the national femicide watch.

**Georgia, 15-19 February 2016 (A/HRC/32/42/Add.3)<sup>13</sup>**

- To establish a “femicide watch” or “gender-related killing of women watch” and collect and publish each year data on the number of femicides and establish a separate body or entrust and exiting body to analyse each case of femicide in order to identify any failure of protection with a view of improving and developing further preventive measures.

**Argentina, 14-21 November 2016 (A/HRC/35/30/Add.3)**

At the end of her official visit to Argentina<sup>14</sup> the Special Rapporteur urged the State to catch up and intensify efforts to prevent femicide and other forms of gender based violence against women and girls. She highlighted

that preventing and combating femicide and other forms of violence against women requires evidence based policy making.

During her official visit to the country, the Rapporteur recognized the efforts made in the area of collection of data on femicide, but also noted that the information gathered by the Supreme Court included only the cases where judicial proceedings have taken place, and left out an important number of other cases, for example those in which the perpetrator committed a suicide or when the victims were transgender persons. She was also concerned that no disaggregated data exist regarding rapes and hate crimes against lesbian, bisexual, transgender and intersex persons (LBTI), investigations, prosecutions and convictions of perpetrators, as well as on reparation provided to victims.

The Rapporteur welcomed the decision of the Ombudsman’s Office (Defensoria del Pueblo de la Nacion) to establish a femicide observatory in line with her recommendations contained in the General Assembly report A/71/398. Taking into consideration the numerous ongoing NGOs and governmental initiatives to collect and analyze femicide data, the Rapporteur encouraged stakeholders to come together and cooperate to further improve collection of data and analysis of cases. Each case of femicide should be carefully analyzed in order to identify any failure or gap of protection in view of improving legislation or its implementation.

The mandate holder further highlighted that government’s commitment to support civil society initiatives such as the “NI UNA MENOS movement” should be translated into concrete actions based on states’ due diligence obligation to prevent and combat femicide and other forms violence in order to secure the right of each and every woman and girl to the right to live a life free from violence.”

**Australia, 13-27 February 2017 (A/HRC/35/30/Add.8)**

At the end of her official visit to Australia<sup>15</sup> the Special

<sup>12</sup> <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CountryVisits.aspx>

<sup>13</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17032&LangID=E>

<sup>14</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20901&LangID=E#sthash.XDjywp6v.dpuf>;  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20901&LangID=E#sthash.XDjywp6v.dpuf>;  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20901&LangID=E#sthash.XDjywp6v.dpuf>

<sup>15</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21243&LangID=E#sthash.7oTl8rrO.dpuf>

Rapporteur called upon the Government to further improve collection of comparable data on gender-related killings of women. She also encouraged the Government to expand homicide/femicide review panels to all States and territories, to consider the expansion of their work as femicide panels, and, for this purpose, to establish or designate other independent institutions, such as the Human Rights Commission. These bodies should work in collaboration with NGOs representatives, according to modalities recommended in her GA report (A/71/378).

#### **14 March 2017, 61st Session of the Commission on the Status of Women (CSW61)**

In my opening remarks to the 61st Session of the Commission on the Status of Women (CSW61),<sup>16</sup> I have highlighted the importance of data collection on gender-related killings of women/ femicide as a tool to prevent femicide and violence against women. I have pointed out that the majority of female homicide victims are killed by their intimate male partners or family members and reiterated my call for the establishment of a “femicide watch” in line with proposed modalities.<sup>17</sup>

<sup>16</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21382&LangID=ECSW#sthash.TOXc8wnN.dpuf>

<sup>17</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21382&LangID=ECSW>

## **“I have a dream” Femicide Prevention Watch**

*by Biljana Brankovic*

*Independent Researcher – Consultant, Member of GREVIO<sup>1</sup>*

In the title, I have paraphrased a famous statement of African American leader of Civil Rights Movement Dr Martin Luther King because, in my opinion, in the current political moment, it is (more than ever) essential to be aware of all forms of oppression, and complex factors that perpetuate violence against women; I also would like to emphasize that combating femicide/gender-based killing of women and girls<sup>2</sup> cannot be done without using theoretical framing of intersectionality.

### **From unimaginable to non-negotiable: Focus on prevention**

In this paper, I would like to support the recent and current initiatives at the UN level to combat femicide/gender-based killing of women and girls, in particular, the initiative to establish “Femicide Watch” or “Gender-related killing of women Watch” (Šimonović, 2015; 2016) – to create bodies at the national, regional and international level that should collect data on femicide/gender-based killing of women and girls. While fully endorsing previous and existing initiatives, my suggestion

would be to use the title “Femicide Prevention Watch”, since such a title immediately clarifies the purpose of the initiative – the ultimate aim of data collection should be to contribute to preventing femicide. In the text that follows, I will try to discuss the potential activities of such bodies, and also, the challenges they may be faced with. My vision is that such bodies should collect data on femicide, but also might undertake a complex research and evaluation activities that might contribute

<sup>1</sup> This paper represents a wider version of the presentation provided at Gender Symposium: Combating Femicide, which was held in Vienna on 25 November 2016. At this conference, I represented GREVIO – the independent expert body of Council of Europe, which monitors the implementation of the Istanbul Convention. Having this in mind, it should be also clarified that I wrote this paper in my personal capacity as an Independent Researcher – Consultant; not in my official capacity as a member of GREVIO. Attitudes and opinions expressed in this paper should not be, therefore, in any manner attributed to GREVIO as a whole, or understood as a joint opinion of its members.

<sup>2</sup> In the text, the terms „femicide” (in the meaning defined by Diana Russell) and “gender-related killing of women and girls” (as specified in many recent UN documents) are used simultaneously or interchangeably, to emphasize the gendered understanding of the phenomenon.

to preventing femicide in the future. Such bodies might focus on:

- 1) Collecting data on numbers of gender-related killings of women and girls per year, disaggregated by age and sex of the perpetrators, as well as the relationship between the perpetrator and the victim (s), using theoretical framing of intersectionality: (qualitative) analysis of intersectional factors. In this context, it is relevant to discuss conceptual issues, as the latter are decisive in order to achieve comparability. For example, it is important to have in mind which forms and manifestations of femicide should be addressed;
- 2) Proportion of prior reports: the number of femicide cases in which state authorities (the police and/or other institutions) had prior knowledge of the woman's exposure to violence. Such data are often unknown; for example, Baldry (2008) asserts that every year in Italy, on average, 100 women are killed by their partners or former partners, but it is not known how many of them were previously abused by their partners. Baldry (ibid.) also stressed that, in the recent fatality review conducted within a DAPHNE project, up to 70% of all cases had a prior history of violence. Clarifying whether state authorities had prior knowledge of violence "paves the way" to establishing accountability – it can be further determined whether a perpetrator is known, arrested, and brought to justice. Further, if the case of VAW was reported to institutions before the woman was murdered, it could be further examined whether the state institutions knew, or should have known, that woman's life was at risk, and whether all appropriate measures were undertaken by authorities to protect the woman's life, in line with the due diligence principle (the due diligence obligation is further discussed later in the text);
- 3) Advocating for accountability, not impunity: as mentioned, data on prosecution and punishment of perpetrators are crucial and should be collected;
- 4) Addressing the issue of "silent witnesses": what kind of support was provided to children of femicide victims (this issue is often neglected in current efforts);
- 5) In the aftermath of femicide: developing (mandatory) protocols that should be applied after each case of femicide, in order to: a) identify gaps in institutional

protection (if the case was reported prior to the murder), b) contribute to prevention of femicide in the future;

- 6) Engaging in **independent** research – analysing policies and measures aimed at protecting victims of all forms of VAW, and preventing re-victimisation, based on process and outcome indicators (Ertürk, 2008), examining trends related to femicide; in general, carrying out research that might contribute to the ultimate goal of preventing femicide. Throughout the text, challenging issues relevant in the context of combating femicide are discussed, including some suggestions for further research – how to address some under-researched or neglected topics (especially in the Chapter: Using the Istanbul Convention to inspire research-based policy-making).

In the text that follows, the Istanbul Convention will be discussed further, since it provides a comprehensive framework for combating and preventing all forms of VAW, including femicide (See Chapter: "New teeth" of the Istanbul Convention – a promise that should become a reality) and thus can provide an inspiration and guidelines for development of the idea and practice of "Femicide Prevention Watch". Current efforts of GREVIO relevant in the context of combating femicide are also discussed (See Chapter: A (potential) contribution of GREVIO to collecting data on femicide in European countries – State Parties to the Istanbul Convention).

### **Challenges and traps of defining manifestations of femicide: Avoiding a "Western-centric" approach**

As feminists, we know that naming is the crucial issue - the first step towards action.

To establish "Femicide Prevention Watch" bodies, defining is the key; one of the first steps would be to define manifestations of the phenomenon. For example, in the UN Secretary-General's in-depth study on VAW, different manifestations of femicide were mentioned, including killing of women within community contexts, such as Ciudad Juarez (Mexico) and Guatemala, dowry-related femicide, intimate partner femicide, and so-called "honour" killing.

In this context, two simple points, relevant for the future development of "Femicide Prevention Watch" can be highlighted:



- The naming and clear definition of specific manifestations of femicide killings of women is crucial at the operative level, because it has direct consequences in processes of investigation and prosecution.
- Furthermore, conceptual differences may hinder cross-country data-collection efforts, as the collected data may not be comparable across countries or regions. Such differences must be understood within a particular regional context.

It can be said that, when we define different forms/manifestations of femicide, it is essential to avoid a “Western-centric” approach. The “Femicide Prevention Watch” can be envisioned as a global, worldwide initiative. As emphasized the Expert Group meeting on gender-related killing of women and girls in Bangkok (2014), femicides should be addressed in specific contexts in which they occur, paying attention to social, cultural and economic factors, and overall patterns of gender-based violence and how they affect the nature of femicide in a particular community, country, or region.

It is important to include a broad list of form and manifestations, as provided in Manjoo (2012b), and subsequently endorsed by the Expert Group meeting held in Bangkok (2014). In order to establish “Femicide Prevention Watch” bodies, aimed at collecting data on femicide and developing guidelines for its prevention, it would be important to clarify which manifestations of this gravest form of VAW would be included and how such manifestations would be defined. “Femicide Prevention Watch” bodies at the national levels would define forms/manifestations of femicide in their own cultural, social and legislative contexts, so ensuring comparability would be challenging. It is recommendable to put more efforts into clarifying conceptual issues, as well as into convening meetings that will be aimed to plan and coordinate the future data-collection and research activities of “Femicide Prevention Watch” bodies, as well as to address comparability and coordinate efforts at the national and regional levels, while carefully taking into account specificities.

### **“New teeth” of the Istanbul Convention – a promise that should become a reality**

In the context of Europe, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) can be seen as a framework for developing the idea and practice of “Femicide Prevention Watch” bodies at the regional level.

The Istanbul Convention has been often regarded as the “landmark treaty” (which builds on previous relevant international and regional instruments), and can be probably also seen as the most comprehensive framework for preventing femicide – it contains a set of very specific, concrete measures the State Parties should undertake in prevention of all forms of VAW, some of which are particularly relevant in the context of femicide prevention. Further, due to its comprehensive and practical nature, and its clear focus on gendered understanding of VAW, it can be viewed as a “statement” that gender-related killing of women cannot be combated only through strengthening a criminal justice approach. Naturally, its potential efficacy in the area of preventing femicide will depend on the quality of implementation at the national level.

The Istanbul Convention is a complex, progressive, unprecedentedly comprehensive and potentially effective instrument. It represents the first regional<sup>3</sup> (European) legally-binding instrument in the area of VAW, and the most far-reaching treaty on this subject. As stressed by Feride Acar (2014: 90), “While this Convention squarely rests on the moral and analytical framework of CEDAW and its General Recommendation No. 19, it also gives a set of new ‘teeth’ to CEDAW by translating its principles into a set of concrete, binding provisions”.

Consequently, the Istanbul Convention provides a comprehensive framework for addressing femicide. Its provisions may serve as guidelines for the future establishment and practice of the “Femicide Prevention Watch” in a European context.

Mostly, current laws across Europe are gender-neutral, while the Convention clearly specifies which forms of

<sup>3</sup> We should always be reminded that legally-binding instruments were previously developed on other continents: a) the Convention on the Prevention of Violence against Women (*Convention of Belém do Pará*), which came into force in 1995, and b) the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, better known as *Maputo Protocol* (came into force in 2005).



VAW should be criminalized and further requires gender-sensitive and integrated policies.

If we dream a little, it can be imagined that in the foreseeable future the “Femicide Prevention Watch” bodies in countries that ratified the Istanbul Convention can provide data on femicide that will allow across-country comparison. It can be expected that State Parties to the Convention should harmonize definitions of forms of violence in their national laws with those provided in the Convention. Once legislative reforms are completed in State Parties, the “Femicide Prevention Watch” bodies at the national level may focus on types of violence covered by the Convention, i.e. use categorization of violence types that should be criminalized in line with the Convention, as listed above (taking also into account the crimes in the name of so-called “honour”, in line with Art.42). That would be only the first step. Further, improvements in models of administrative data of public institutions/agencies should be expected, in line with the Convention (Art.11). Most importantly, State Parties should adopt coordinated data-collection and research policies. Considering the current data-collection models in member states of CoE (as analysed in various CoE sources), most member states should introduce substantial changes in order to harmonize their data-collection practices with the Convention.

The discussion above strengthens the previous point that “Femicide Prevention Watch” bodies might collect disaggregated data on different forms/manifestations of femicide, but also could carry out research on factors that may contribute to femicide prevention. In order to follow the “letter” and “spirit” of the Convention, “Femicide Prevention Watch” bodies might be inspired by the “vision” of the Convention, including the idea that data collection efforts and research (including both prevalence surveys and policy research) should not be “isolated” and carried out in a “vacuum”, but coordinated and inter-connected. One of their relevant roles might be to independently monitor and evaluate the existing policies of the government, for example, to analyse the effectiveness of policies, and to contribute

to research-based/evidence-based policy-making in the future, always keeping in mind the ultimate purpose/far-reaching aim of data collection and research, which is to prevent all forms of violence covered by the scope of the Convention.

### **A potential contribution of GREVIO to collecting data on femicide in European countries – State Parties to the Istanbul Convention.**

The initial country-by-country evaluation of the implementation of the Istanbul Convention by GREVIO has recently started<sup>4</sup>. In the context of combating femicide, it should be highlighted that each State Party to the Istanbul Convention will be required to provide detailed data on femicide/gender-related killings of women and girls, as well as detailed information on implementation of provisions of the Convention related to measures and policies aimed at prevention and elimination of all forms of violence covered by the Convention. Through this process, GREVIO will contribute to the idea and practice of “Femicide Prevention Watch”.

The questions reflect the previously elaborated suggestions that: a) (prospective) “Femicide Prevention Watch” bodies might collect data on different forms of femicide (not only on intimate partner femicide), depending on the context in which they operate; b) in a process of collection data on femicide cases, it would be important to include information on prior reports – whether or not state institutions had prior knowledge of the woman’s exposure to violence; c) information on prosecution and punishment should be included. In such a manner, the issue of accountability could be addressed (whether a perpetrator was brought to justice), but also – provisions on due diligence obligations of the State Parties might be invoked. As mentioned before, in relation to conceptualization of due diligence in the Convention, the positive obligation of the state to protect the right to life requires state authorities to display due diligence, for example, by taking preventive operational measures in protecting an individual whose life is at risk<sup>5</sup>. A positive obligation arises when state authorities knew

<sup>4</sup> For more information on monitoring procedures, see: <http://www.coe.int/en/web/istanbul-convention/evaluation>

<sup>5</sup> The Explanatory Report, in relation to due diligence provision, relies on case law of the ECtHR, and refers to case *Opuz v. Turkey*, 2009. In order to understand the positive obligation of the state to protect the right to life, it is revealing to refer to case law of ECtHR, “A positive obligation will arise where it has been established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk” (ECtHR, *Branko Tomasic v. Croatia*, 2009).

or should have known that the individual's life was at risk, but failed to undertake proper measures to protect the individual's right to life. More research can be done in order to examine how the due diligence principle has been implemented in different member states of Council of Europe. Recent studies, relying on a comprehensive set of indicators of realization of due diligence standards (Brankovic, 2013; 2016) indicated alarming gaps in prevention of various forms of VAW, protection of victims, as well as prosecution and punishment of perpetrators.

We owe it to femicide victims to establish "Femicide Watch" bodies and to undertake activities that may become a blueprint for change.

## Femicides of 2014 in Georgia Challenges of Prosecution and Punishment

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Femicide in Georgia – the gender-related killing of a woman – reached an unprecedented level and became the focus of the media, civil society and the Government in 2014. According to the data from the Chief Prosecutor's Office of Georgia, 34 women were murdered in 2014, 17 out of whom were the victims of domestic crimes<sup>1</sup>.

Spouses or former spouses commit the majority of femicides in Georgia – accordingly, domestic femicide is one of the main manifestations of this crime. International human rights law recognizes violence against women as a form of discrimination against women<sup>2</sup>. The legislation of Georgia does not recognize femicide as a separate crime. All cases of killings of women are investigated and punished under the general context of crimes against human beings. No separate statistics are collected on the killings of women based on their gender<sup>3</sup>.

Effective investigation and punishment of femicide, and applying a gender perspective in criminal proceedings, is vital for achieving the adequate recognition of the

gravity and scale of gender-based killings of women, for restoring justice, preventing the repetition of femicide and ensuring transformative equality for women<sup>4</sup>.

The aim of the study is to evaluate the response of the prosecution and the judicial bodies to femicides committed in Georgia in 2014, through analysing court judgments delivered in 2015. This is the first legal study of its kind prepared in Georgia. The study reviews the international experience on legal issues of femicide and conducts the analysis of the judgements of the first instance courts of Georgia on femicides committed in 2014. It examines the issues of identifying the motive of the crimes, classification of the crimes and proportionality of sentences imposed on perpetrators, as well as the role of the prosecution and the courts in preventing, investigating and punishing femicide.

### **Methodology**

The study incorporates the judgements of first instance

<sup>1</sup> Letter of the Chief Prosecutor's Office of Georgia of February 9, 2016, N13/7801.

<sup>2</sup> United Nations Committee on the Elimination of Discrimination against Women, General Recommendation N19, 1992, para. 1; *see also* Convention on preventing and combating violence against women and domestic violence (*hereinafter* Istanbul convention), Istanbul, 11.05.2011, Article 3(a); *Opuz v. Turkey*, App. N33401/02, European Court of Human Rights, 09.06.2009, para. 200.

<sup>3</sup> The statistics are collected on those crimes committed against women that are qualified with Article 111 (domestic crime).

<sup>4</sup> Transformative equality is a form of equality, through which existing gender roles and hierarchies are transformed in order to eliminate subordination of women in the society. *See* The UN Convention on the Elimination of All Forms of Discrimination against Women, A Commentary, editors: Marsha A. Freeman, Christine Chinkin, Beate Rudolf. Oxford University Press, 2012. p. 54-55.

courts, delivered throughout 2014 and 2015, on femicides committed from January 1, 2014 to December 31, 2014. Twelve judgements of conviction were obtained from the courts as public information, delivered on crimes under articles 108 (Murder), 109 (Murder under aggravating circumstances), 117.2 (Intentional infliction of grave injury that caused death) and 115 (Incitement to suicide) of the Criminal Code of Georgia (CCG). While the study focuses on the judgements in femicide cases only, the study does not cover those murders of women that are not related to gender (e.g. the murder of a woman during aggravated robbery, or due to unsettled debt).

## II. Femicide legal issues – international experience

### A. Femicide - gender related killing of a woman

There is no recognized definition of femicide, as a term and as a crime. There are different approaches on the normative-sociological content and elements of the crime of femicide in social and political sciences and domestic legislations of the states.

Not all homicides of women are eligible to be classified as femicides. According to the Latin American Model Protocol for the Investigation of Gender-Related Killings of Women (hereinafter Latin American Model Protocol), femicide exists when the killing of a woman (the death of a woman) is related to her gender – **there must be specific signs that the motive of the killing, or the context of the killing is related to gender-based violence or/and discrimination**<sup>5</sup>.

The legislation of Georgia does not recognize femicide as a separate crime. Accordingly, for the purposes of this study, based on the definition of femicide in the Latin American Model Protocol and taking into consideration the nature of the killings of women committed in Georgia, the following definition of femicide will be used: **femicide – gender-related killing of a woman, that is, killing of a woman with**

**the motive or in the context related to gender-based violence, discrimination or subordinate role of a woman, manifested in a sense of entitlement to or superiority over a woman, by an assumption of ownership of a woman, by a desire to control her behaviour or any other reasons related to gender, also incitement to suicide based on the abovementioned reasons.**

### B. The duty to investigate and punish femicide

The investigation of femicide shall be conducted with the gender perspective, by persons who have undertaken relevant training related to gender<sup>6</sup> and the prosecution and the courts shall conduct gender analysis. Additionally, the investigation of femicide is ineffective if the prosecution and judicial bodies do not consider the systemic nature of the violation and only analyse these cases as isolated crimes<sup>7</sup>.

### Femicide in Georgian legislation

There is no specific article of CCG declaring femicide as a separate crime. Neither are gender-related killings the aggravating circumstances under the article of murder in CCG<sup>8</sup>. Accordingly, classification and statistics of femicide, that is separated from other crimes, is not available. Currently the following articles of CCG apply/might apply to investigate and punish crimes that could be classified as femicide:

*Murder (Article 108 of CCG); Murder under aggravated circumstances (Article 109 of CCG); Intentional murder in a state of sudden, strong emotional excitement (CCG Article 111); Intentional infliction of grave injury that caused death (Article 117.2 of CCG)*<sup>9</sup>; *Incitement to suicide (Article 115 of CCG).*

The only way to identify femicide cases is to analyse all court judgments (provided the victim is a woman) delivered under the above articles and to detect femicide based on facts of the cases.

<sup>5</sup> Latin American Model Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide) (hereinafter Latin-American Model Protocol), the Office of the High Commissioner in Latin America, ISBN 978-9962-5559-0-2, p. 13-14.

<sup>6</sup> See Report of the UN Special Rapporteur (See above) UN Doc. A/HRC/23/49 (May 14, 2013), para. 73. See also IACtHR, González et al. v. Mexico, (See above), para. 455;

<sup>7</sup> See González et al. (“Cotton Field”) v. Mexico (See above), para. 366

<sup>8</sup> According article 109.2.d of CCG, committing a crime on the grounds of racial, religious, national or ethnic intolerance is considered as aggravating circumstances. Murder related to gender is not an aggravating circumstance.

<sup>9</sup> The crime qualified under article 117.2 of CCG is femicide only in case if the applied classification as not correct; if classification were correct then article 108 of CCG (murder) or article 109 of CCG (murder under aggravating circumstances) would have been applied CCG.

Identification of domestic femicide is relatively simple by looking at the application of Article 111 of CCG that defines articles of CCG specifying domestic crimes. Accordingly, domestic femicide could be detected if the above articles are applied together with Article 111 of CCG.

It is noteworthy that not **all homicides** of women committed in the family by husband/ex-husband (whereas article 111 applies) are eligible to be classified as femicides. A murder shall be classified as femicide only if it is gender-related - that is the perpetrator had a gender-related motive while committing the crime. Yet, femicide is observed in the majority of cases related to the killing of wives/ex-wives by their husbands/ex-husbands (whereas article 111 of CCG was applied) - the circumstances reveal that the case is femicide.

It is noteworthy that according to Article 53.31 of CCG the existence of sex-related discrimination aggravates the classification of a crime and these circumstances should be taken into account by courts when defining sanctions. Therefore, under the existing criminal legislation the most relevant (but insufficient) tool to classify and identify the femicide is the application of Article 53.31 together with the relevant article of CCG. This article may be applied if an article or a part of an article used for classification of a crime does not provide for discrimination as an aggravating circumstance.<sup>10</sup> However, in practice Georgian courts have never applied article 53.31 to crimes related to discrimination against women or against other persons.<sup>11</sup> Accordingly, if, based on Article 53.31 of CCG, Georgian courts aggravate the imposed sanctions, there will be a greater possibility to recognize femicide as a gender based crime against women, to develop statistics on this crime and to apply adequate sanctions to perpetrators.

## **Analysis of the court judgements delivered on the femicides committed in 2014 in Georgia**

### **A. Analysis of the motive of femicide**

The major difference between femicide and other crimes against life is the identity of the victim and the perpetrator and the motive of the crime. Killings of women by men might be classified as femicide, if the motive of the crime is related to the general context of gender-based violence or discrimination. The motive of femicide is also related to the offender's perception of a woman as a subordinate object who must obey with a dominating and prevailing man.<sup>12</sup>

The motive of the crime is identified in only 5 out of the 12 judgements analysed for this study. In 2 cases the motive of the crime was jealousy, while in 3 – revenge based on jealousy, revenge for an “unhealthy life-style of the victim” and revenge based on dispute.

Despite the fact that in the analysed 12 judgments gender-based motive was not identified, the factual circumstances of crimes described in the judgments ascertain the existence of such a motive that resulted in the killings of women.

According to the judgment of the Tbilisi City Court dated 23 January 2015,<sup>13</sup> the victim and the perpetrator divorced as the husband was “rude, jealous and they often had disputes over regular issues”. The offender categorically demanded to reconcile and once tried to drown his wife in the Tbilisi Sea and threatened to kill her with his firearm. In this case, the court established that the offender was a violent husband, however the Court concluded that the motive of the crime was jealousy and did not in addition discuss the motive of discrimination, while looking over the existing evidence.

According to the judgment of the Rustavi City Court dated 7 May 2014, the spouses divorced as the husband suspected that the wife led “unhealthy style of life” (the judgement does not clarify what “unhealthy style of life” means). The

<sup>10</sup> Article 53.4 of CCG .

<sup>11</sup> Information obtained from common courts of Georgia as of December 2015.

<sup>12</sup> See Inter-American Model Protocol (see above), p. 35.

<sup>13</sup> The Tbilisi City Court, Case N1/4942-14, 23 January 2015.

perpetrator who felt offended by the behaviour of his ex-wife decided to revenge.<sup>14</sup> The court stated that the motive of the crime was revenge for “unhealthy style of life”; however, the court did not discuss the specific indications of a gender-related motive and did not analyse the discriminatory prejudice against the victim.

**The analysed femicide cases reveal that the prosecution and/or judicial bodies abstain from or fail to investigate or give adequate evaluation to possible motives related to discrimination during investigation and judicial proceedings.**

This is reflected in the relevant judicial decisions, which do not include any considerations of a possible gender-related motive. **In cases of femicide, the courts mainly refer to common motives (jealousy, revenge) that do not/should not exclude the possibility of the existence of other motives.** In most of the judgments, the motive of the crime is not identified at all. However, in many cases, the motive could rather easily be identified based on the case materials and the facts presented in the judgment.

According to the case-law of the European Court of Human Rights, as well as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter the Istanbul convention),<sup>15</sup> gender-based violence is a form of discrimination against women. Therefore, it is important that in cases of killings of women, the judicial and the prosecution bodies do not confine to identifying only revenge, jealousy and other related motives, and to analyse whether gender-based discrimination played a role in the case.

## B. Classification of the crimes of femicide

In femicide cases it is extremely important that the classification given to the crime reflects the gravity of the act committed. Classification of the crime as a less grave act than the actually committed offence ignores the right of the victim

to get the full recognition of her suffering, as well as the right of women to be protected from the illegal acts against them. Inaccurate classification of the crime undermines the creation of a gender-sensitive justice system that duly recognizes, classifies and punishes crimes against women.

In 8 out of 12 analysed judgments of femicide the crime was classified as a murder (article 108 or 109 of CCG), in 3 cases – an intentional infliction of grave injury that caused death (article 117.2 of CCG). 1 crime was classified as an incitement to suicide (article 115 of CCG).

In its judgment dated 23 January 2015, the Tbilisi City Court established that the defendant shot his ex-wife for several times from a close distance that resulted in 4 perforating wounds in the area of hips. The victim died because of anaemia caused by the damaged hip artery. In such circumstances, it is impossible that the offender did not realize the imminent threat to the life and the real possibility of death – he at least had an eventual intention (consciously permitted or was negligent about the occurrence of these consequences) to the possible death. In addition, according to the testimonies analysed during the court proceedings, the defendant for several times threatened the victim to kill her using his firearm and tried to drown her in the Tbilisi Sea. After the committed crime, he concealed himself from the scene of the crime and did not try to help the victim. Despite these facts, the prosecution and subsequently the court qualified the crime as an intentional infliction of grave injury that caused death.<sup>16</sup>

The above analysis reveals that the classification applied by the prosecution to crimes against women has a paramount importance. This is particularly evident in cases when the prosecution applies the classification that is lighter than the act actually committed. When this is the case, the judge has to either reject the charges on the basis of being ungrounded and acquit the defendant, or render a

<sup>14</sup> The Rustavi City Court, Case N1-252-14, 7 May 2014.

<sup>15</sup> Istanbul Convention (see above), article 3(a). Opuz v. Turkey (see above).

<sup>16</sup> Judgement of the Tbilisi City Court dated 23 January 2015, Case #1/4942-14, pp. 2.1.10, 3.5. As it was mentioned in Chapter IV of this research, a judge is not entitled to change charge to more grave one.



judgement of conviction within the scope of charges presented by the prosecution, despite the fact that the committed crime could be graver. The judge does not have any other alternatives in such cases.

### C. Analysis of a prior gender/domestic violence history suffered by a victim as an aggravating circumstance

In many cases, femicide is the culmination of systematic and cyclic violence suffered by women prior to their death. Therefore, **a fundamental aspect for uncovering femicide is the analysis of the context of discrimination and of the types of violence inflicted on the victim before the killing.**<sup>17</sup> For this, it is important that the courts examine the history of domestic and/or gender based violence suffered by the victim and take into account this history while defining the motive of the crime, classifying the crime and determining sanctions for the crime.

The Istanbul Convention provides a list of aggravating circumstances that apply when crimes are committed against women, inter alia: a) the offence was committed against a former or current spouse or partner; b) the offence was preceded or accompanied by extreme levels of violence.<sup>18</sup> The Law of Georgia on Domestic Violence<sup>19</sup> and CCG (art. 111)<sup>20</sup> provide that violence committed by both - spouse and ex-spouse - constitutes domestic violence.

In the 12 analysed judgments of Femicide, the courts identified domestic/gender-based violence against the victim committed by the offender, through description of facts, only in 3 cases.<sup>21</sup> In the remaining 8 cases the courts disregarded these facts/did not discuss them in the judgments.

According to the judgment of Tbilisi City Court dated 18 August 2015, the child of the deceased stated that the offender and the victim were living together in an unregistered marriage since September 2014. After one and a half month of the cohabitation, the defendant began drinking alcohol, beating his spouse and swearing. The children wanted to call the police, however the mother did not let them. The woman used to say: "Now he is angry and will calm down". After the defendant's request, the children moved to a friend's house to live. They visited their mother when the defendant was not at home, as he forbade them to see her. Even though the court was aware of the history of violence in the family, these facts were not taken into account while determining the motive of the crime, the mitigating and aggravating circumstances, and the sanction.<sup>22</sup>

The judgment of the Tbilisi City Court dated 23 January 2015 creates a positive precedent on the examination of domestic violence preceding the crime of femicide<sup>23</sup>. The court stressed that the offender - the chief inspector of the Special Detachment of the Investigation of the Ministry of Finance of Georgia - was a violent and jealous husband. The Court describes the instances when the offender threatened to kill the victim with a gun and tried to convince her (his ex-wife) to reconcile with him with an attempt to drowning and threats. The defendant could demonstrate violence using his service gun, which he was carrying all the time. The family of the victim was aware of the defendant's violent actions, however hesitated to inform his office.

The Court also considered that committing of a crime against a family member (article 111 of CCG)

<sup>17</sup> Inter-American Model Protocol (see above), p. 53.

<sup>18</sup> Istanbul Convention (see above), art. 46.

<sup>19</sup> Law of Georgia on Domestic Violence, Protection and Assistance of Victims of Domestic Violence, article 4(g) defines "a member of a family": "for the purposes of this law mother, father, grandmother, grandfather, spouse, child (step-child), stepchild, step parent, spouse of a step parent, adopted child, foster family (foster mother and father), grandchild, sister, brother, parents in law, sister in law, brother in law, ex-spouse, persons in unregistered marriage and their family members, guardian."

<sup>20</sup> For this article the family members are as follows: spouse, mother, father, grandfather, grandmother, child (step-child), adopted child, step parent, spouse of a step parent, foster child, foster family (foster mother and father), guardian, grandchild, sister, brother, parents-in-law, son-in-law, sister-in-law, ex-spouse, also persons who run or used to run domestic joint family economy.

<sup>21</sup> Domestic violence was traceable in relation to victim of femicide of a lecturer at Ilia University; however, the court proceedings did not take place due to suicide by the offender.

<sup>22</sup> The Tbilisi City Court, 18 August 2015.

<sup>23</sup> The Tbilisi city Court, 23 January 2015, case N1/4942-14.



should be used as an aggravating circumstance while imposing the sanction. **Therefore, this case was the only one out of the femicide cases committed in 2014 and discussed in this study, in which the court considered that a crime committed against a family member was an aggravating circumstance, as required by the Istanbul Convention (however, the judgment does not refer to the Convention itself). Despite this, even in this case the court did not take into account the domestic violence history as an aggravating circumstance and based on this history the Court did not establish that the perpetrator could have acted with discriminatory motive, among other possible motives.** Yet the court established that the murder was committed on the basis of revenge after dispute. In all the remaining femicide judgements, the courts describe the circumstances of murder very briefly and do not note whether the victim was subjected to prior violence.

#### **Sanctions imposed by the courts for femicides**

##### **A. General rules of imposing sanctions and their importance for femicides**

The imposed sanction should serve the three goals specified in article 39.1 of CCG: restoring justice, preventing repetition of a crime and re-socialising the offender. The sanction shall always be justified – it is essential that the courts are not formalistic when imposing the sanction, which occurs rather frequently in practice.<sup>24</sup>

##### **B. Sanctions imposed by courts in specific cases of femicide**

The minimum sanction for crimes of femicide committed in 2014 was fine in the amount of 2000 GEL for inducement to suicide (4 years imprisonment was considered as conditional) and the maximum sanction – 15 years of imprisonment. Plea bargain was concluded in 3 cases. In 2 cases the defendants,

due to mental health problems, were sanctioned to serve imprisonment in medical facility – B. Naneishvili National Centre of Mental Health (Jgoni-Kutiri) - until recovery.

#### **Circumstances that influenced imposition of sanctions**

While defining the sanction, in the majority of cases, the courts only cited the requirements provided in Article 53.3 of CCG and stated that the sentence was based on these conditions. The article provides: “When imposing a sentence, the court shall take into consideration circumstances that mitigate or aggravate liability of the offender, in particular, the motive and goal of the crime, the unlawful intent demonstrated in the act, the character and degree of the breach of obligations, the modus operandi and unlawful consequence of the act, prior history of the offender, personal and financial circumstances, and conduct of the offender after the offence, in particular, the offender’s desire to indemnify the damage and reconcile with the victim.” Despite this, in femicide cases it is impossible to take into account the criteria of reconciliation with the victim and the reference to reconciliation must be irrelevant to domestic crimes in general.

Since in none of the femicide cases the motive of gender/sex related discrimination was investigated/established, discrimination was not identified and regarded as an aggravating circumstance. The courts considered that the mitigating circumstances were as follows: pleading guilty,<sup>25</sup> cooperation with the investigation,<sup>26</sup> positive characteristics<sup>27</sup> and non-existence of a previous conviction.<sup>28</sup>

For the sanction to be fair, it shall take into account the severity of the issue of violence against women and the goal of restoration of justice for the victim. As an aggravating circumstance, the sanction needs to envisage the discriminatory motive, the gender-based/domestic violence suffered by the victim prior to her death and the fact of the commission of the crime

<sup>24</sup> Mzia Lekveishvili, Purpose of Punishment and Criminal Law and Criminological Aspects of Imposition of a Sanction, „Justice and Law“, #4(43), 26).

<sup>25</sup> The Rustavi City Court, & may 2014, case N1-252-14. The Telavi District Court, 5 August 2015, case N200100115702991; The Ozurgeti District Court, 26 February 2015; The Tbilisi City Court, 7 April 2015.

<sup>26</sup> The Rustavi City Court, 7 May 2014, case N1-252-14; The Ozurgeti District Court, 26 February 2015.

<sup>27</sup> The Rustavi City Court, 7 May 2014, case N1-252-14.

<sup>28</sup> *Ibid.*

against a family member. In all cases, the court has to give an adequate evaluation to crimes committed by a law enforcement officer. A plea bargain should not provide for an inadequately lenient sanction that does not meet the general goals of prevention of femicide and violence against women in general.

The analysis of the judgments of conviction in femicide cases reveals the deficiencies in the response of both the judiciary and the prosecution in identifying the crimes as femicide, establishing the motive and classifying the crime, defining mitigating and aggravating circumstances and imposing sanctions to perpetrators. In none of the cases of femicide the gender-related motive was identified. The killings of women are either considered to be related to regular motives or the judgments do not contain any information on the motive in contrary to the procedural legislation. In some of the cases, femicide is classified as a lighter crime, while the circumstances of the case provide the need for other classification. Sanctions imposed to perpetrators are sometimes unreasonably lenient.

In none of the femicide cases have the courts or the prosecution applied the gender perspective. Justice is administered relying on the general methods of adjudicating crimes against human beings, towards which the prosecution and the judiciary reveal incomprehensive and sometimes a loyal approach. Femicides are treated as isolated cases of violence against women and they are not analysed through the general context of gender-based violence and discrimination against women.

Investigation, prosecution and punishment of femicide shall have the transformative potential – alongside the purpose of prevention of crimes and the punishment of perpetrators, the judgments of the courts shall aim for the recognition of suffering of women victims of violence, and for transforming structural inequality, discrimination, subordination and gender hierarchies, which are the root causes of violence against women and femicide. In each case, victims'/their families' views and expectations shall be given maximum consideration for the restoration of justice.

## **Violence against Women in Slovenia: Trends and Governmental Measures to Address the Issue**

*by Ambassador Andrej Benedejčič,  
Permanent Representative of Slovenia to the International Organizations  
in Vienna and Chairman of the OSCE MenEngage Network*

Violence against women and girls in its many forms is a gross and – unfortunately – widespread violation of human rights. All forms of violence against women and girls, including femicide, gender-motivated killing of women, simply because they are female, is unacceptable. Women's full enjoyment of their human rights must be actively promoted and protected in an integrated and comprehensive manner.

Incidents of femicide that we face on a daily basis show that gender-motivated killings can affect women and girls of all ages, cultures, ethnic and social backgrounds and can occur anywhere: at home, at work or on the street. Additional strong measures against all forms of violence against women and girls are therefore needed. Men and boys should also be encouraged to pledge never to commit or remain silent about acts of gender-based violence.

In order to stop impunity and prevent femicide it is important to raise awareness about zero tolerance

among general public. It is also necessary to overcome gender stereotypes as one of the most persistent causes of inequality between women and men in all areas and all stages of life. The conceptions of their different roles in private and public spheres are still among the main causes for numerous inequalities, which are hidden in socialization practices of women and men. They are changing but unfortunately all too slowly.

Slovenia remains committed to achieving the highest standards in the field of gender equality, both domestically and internationally. This also includes concrete measures

to address all forms of violence against women and girls, including femicide as its most serious manifestation.

#### – Slovenia: Statistics on Femicide

Over the past 25 years, significant progress towards eliminating violence against women and achieving gender equality in law and practice has been achieved in Slovenia. Among other things, the Government has taken several legislative and policy measures to address the issue – from prevention to protection of victims and prosecution to counselling of perpetrators.

Despite all the efforts, however, violence against women remains a challenge for Slovenia as well. In 2010, the results of a national survey on this issue were made public. They were worrisome in part because they showed that every second woman (56.1%) has experienced one form of violence since turning 15. The most frequent form of aggression was psychological violence (49.3%), followed by physical (23.0%) and property-related violence (14.1%), limitation of movement (13.9%) and sexual violence (6.5%). A total of 6.9% of the female inhabitants of Slovenia were still in a violent relationship at the time of the survey, which was conducted in the spring of 2009, but it can be assumed that the actual share was even higher, because this question was answered by only 11.2% of respondents.

Women in Slovenia represent an overwhelming majority of victims of domestic violence. According to police statistics, in the period 2010-2015, the percentage of female victims was never below 92% (see Table 1). Although it is encouraging that the number of incidents of domestic violence is declining in absolute terms, it is also true that the relative share of victimized women is growing.

**Table 1: Number of processed criminal offences of domestic violence in Slovenia for the period 2010-2015**

Year	2010	2011	2012	2013	2014	2015
Number of criminal offences of domestic violence	2.11	1.77	1.57	1.48	1.48	1.19
Percentage of women victims (%)	92,05	92,62	92,40	93,39	92,98	94,23

*Source: Ministry of Interior/Police*

In general, women in Slovenia are less often victims of violent crime than men. Still, the percentage of female victims of such offences has been above 40% during the 2010-2015 period (see Table 2). While the actual number of processed criminal offences has been declining steadily, the growing percentage of women victims is a matter of concern.

**Table 2: Number of processed violent criminal offences in Slovenia for the period 2010–2015**

Year	2010	2011	2012	2013	2014	2015
Number of criminal offences	23.78	24.15	23.97	23.82	21.96	18.54
Percentage of women victims (%)	44,26	44,95	43,96	43,68	43,45	46,26

*Source: Ministry of Interior/Police*

Turning to femicide, as the most serious violent crime against a woman, it must be noted that the Slovenian penal legislation does not include special provisions on it. Nevertheless, the number of murdered women<sup>1</sup> remains relatively low, below 10 cases each year for the period 2010-2015 (see Table 3).

<sup>1</sup> These include victims of manslaughter, murder, voluntary manslaughter, negligent homicide and infanticide.

**Table 3: Number of murdered women in Slovenia for the period 2010-2015**

Year	2010	2011	2012	2013	2014	2015
Number of women victims	10	10	7	4	6	N/A

*Source: Ministry of Interior/Police*

Academic research shows that the majority of women are murdered by their (former) partners. In this sense, the data from Slovenia coincide with the global trend. Homicides of intimate partners affect women disproportionately and represent the most common cause of female murders in Slovenia. In the majority of cases a history of intimate partner violence already existed before and the act of murder itself is often only the final step in a well-established cycle of violence and abuse. The research on this typology of homicide and attempted homicide conducted by analysing criminal court files has shown that there are significant gender-specific differences in dynamics, causes and inducements. This indicates that these crimes should be understood in the context of the unequal distribution of power between women and men in society.

### **National legislative and policy measures**

Taking into consideration the data above, it is clear that violence against women and girls is an issue for Slovenia as well. Nonetheless, Slovenia is and will remain dedicated to ensuring zero tolerance of such violence and continuing efforts for gender equality.

Framework legislation on gender equality in Slovenia – Equal Opportunities for Women and Men Act – was adopted in 2002. The Domestic Violence Prevention Act, adopted in 2008, defines different forms of domestic violence, provides for comprehensive sets of measures aimed at prevention and ensuring safety, protection, support and assistance to victims, including through the duty of public authorities and organizations and NGOs. In 2016, amendments to the Act were adopted in order to improve the already existing preventive and protective measures.

A key step to including violence against women and girls in the private sphere in the Slovenian legislation was made in 2003 with the adoption of amendments to the

Police Act that enabled the Police to issue restraining orders to perpetrators of domestic violence. The Penal Code has been also amended: in 2008 harsher sanctions were introduced for criminal offences against sexual integrity and in 2015 two new criminal offences against human rights and liberties were defined; namely, stalking and forced marriage.

Slovenian institutions started to pay more systematic attention to violence against women in the early 1990's. An important push factor for action was the civil society and NGOs that challenged the view of violence against women as a private affair. Instead, they presented it as a manifestation of abuse of social power and drew public attention to the perspective of victims. Many of the NGOs that were established during this period have also played a pioneering role in opening safe houses for victims of violence. In 1999, the first NGO that deals with counselling the perpetrators and encourages them towards non-violent behaviour was set up.

1999 was also the year when the first national awareness-raising campaign on violence against women was launched. The main achievement of this one-year effort was to place the issue squarely in the public space. There have been several other campaigns since then. The most recent one was implemented between December 2013 and December 2015 as a part of the first overall national project „VESNA - To Live a Life without Violence“. The project was an important attempt to speed up and promote activities aimed at reducing violence against women and to strengthen cooperation between the different governmental agencies, the judiciary and the NGOs. It highlighted the importance of planned and harmonized implementation of respective national acts and planned activities for reducing violence against women. An additional aim of the VESNA project was to disseminate messages on zero tolerance for violence against women of all age groups. Its general objective was to build confidence and understanding of equality as well as human rights in general across the private sphere, the public sector and the civil society. In the coming years Slovenia also intends to raise awareness on preventing cyber violence and harassment as a form of violence against women and girls.

In February 2015, Slovenia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), thereby taking an important step

in recognizing the responsibilities to comprehensively address violence against women and domestic violence. The convention entered into force in Slovenia in June 2015.

Combatting violence against women has been a priority area for action of the National Program for Equal Opportunities for Women and Men for the period 2005–2013. It also remains a priority for the ongoing National Program for Equal Opportunities for Women and Men for the period 2015–2020. Additionally, violence against women will be more comprehensively addressed in the newly developed National Program on preventing domestic violence and violence against women that will be prepared by the end of 2017. All of which goes to show that gender equality and women's rights are placed high on the political agenda in Slovenia and will stay so in the future as well.

Of course, prevention and elimination of all forms of violence against women and girls is not possible without the active engagement of men and boys. Men in Slovenia are and will continue to be involved in multi-institutional teams and working groups composed of members of different ministries, police, civil society, women's organisations, social work centres, and others. It has been the strong cooperation of both, men and women, which has led to many legislative and institutional improvements and the general progress in the field.

We therefore have to continue working with men and boys as allies and agents of change. Involving them in the common efforts means making males aware that gender equality is not solely a female issue. It benefits them just as much as it does women and girls. They must therefore act not only as advocates for women's empowerment, but also as role models for other men and boys. This also means challenging existing social notions and stereotypes of masculinity, as well as standing up to and speaking out against gender-based violence. In short, men and boys can contribute importantly to bringing about a safer society in which women and girls will not face the risk of being killed just because they are female.

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# Report on the 61st session of the Commission on the Status of Women (CSW) New York City, USA (13-24 March, 2017)

by *Andrada Filip*

*The 61st session of the CSW had as a key focus the issue of women's economic empowerment in the changing world of work. The session ended on Friday, March 24th, with the adoption of the agreed conclusions.<sup>1</sup> A wide range of side events (organised by UN Member States) and parallel events (organised by NGOs), over 290 all in all, have been held alongside the discussions in the General Assembly and the consultations on the text from the agreed conclusions. Estimates regarding the number of registered participants to this year's session range between 8,500 and 9,000, while more than 3,900 of these were NGO representatives from 138 countries.<sup>2</sup>*

In the beginning of the session, UN Secretary-General Antonio Guterres delivered a key note speech, drawing attention to the current global situation, in which women are suffering continuous assaults on their safety and dignity. He stressed that a key element of extremist ideologies which are being enforced in several corners of the world, is the subjugation of women and girls and the denial of their rights. Hence, sexual violence, forced marriage, human trafficking and virtual enslavement are consistently being used as weapons of physical and psychological warfare in today's world. Furthermore, laws that curtail women's freedoms are being enacted in certain states, while others are removing legal protections against domestic violence. Discrimination against women and grave infringements upon their basic human rights were said to sound a loud alarm that our common values are under threat. Hence, women's rights are human rights – and attacks on women are attacks on all of us.

The Executive Director of UN Women, Phumzile Mlambo Ngcuka, touched upon the urgent need to respect and protect women's sexual and reproductive health and reproductive rights, and ensure the unmet needs of family planning for women are met everywhere across the globe. She emphasized that one of the most significant barriers which stubbornly remains in place is the under-representation of women in decision-making at all levels, thus hindering their empowerment. Moreover, a myriad

of discriminatory laws exists in more than 150 countries that discriminate against women.

To begin with, a set of side events looked at the issue of violence against women (VAW), intimate-partner violence (IPV) and domestic abuse, including national and regional mechanisms which can improve the implementation of existing legal instruments protecting the rights of women and girls and addressing these forms of violence. The implementation of SDG (Sustainable Development Goal) number 5, which strives to ensure gender equality and the empowerment of all women and girls has been stressed during the discussions, together with the necessity to tackle VAW at the workplace, including psychological violence, as gender-based violence can take multiple forms. The Special Rapporteur on Violence against Women, its causes and consequences (SRVAW), Dubravka Šimonovic, argued that there should be stronger cooperation between global and regional mechanisms to defend women's rights and called for an intensification of efforts to prevent VAW and femicide. One of the current shortcomings identified was a fragmentation of human rights monitoring and implementation of relevant instruments. She also urged all Member States to establish Femicide Watches in every country, i.e. femicide monitoring bodies, which can act as a prevention mechanism, identifying existing gaps in national criminal justice, prevention and intervention systems. Various groups of states, such as

<sup>1</sup> Agreed Conclusions to the 61st session of the Commission on the Status of Women, available at: [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/61/csw61\\_agreed\\_conclusions\\_advance\\_unedited\\_version\\_24\\_march\\_2017.pdf?vs=3358](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/61/csw61_agreed_conclusions_advance_unedited_version_24_march_2017.pdf?vs=3358)

<sup>2</sup> <http://www.unwomen.org/en/news/in-focus/csw/participant-voices>



the G77+China and GRULAC (the Latin American and Caribbean Group), reiterated this call on the need to invest more in prevention efforts to combat VAW and eradicate femicide. Indigenous, migrant and differently-abled women were identified as vulnerable groups. The representative of the GRULAC countries also warned about the feminization of poverty and pointed out that femicide and trafficking in women are one the biggest problems encountered in the region. Hence, women's economic empowerment and the elimination of VAW are inextricably linked to each other. The African group of countries emphasized that societies should create decent jobs for all women, whereby it is important to promote women's entrepreneurship and use their right to education as a catalyst to the implementation of the SDGs.

Among other issues discussed during the various side events, a study conducted in Nicaragua towards the end of the 1990s entitled "Candies in Hell"<sup>3</sup>, which analysed the lives of women living with violence, brought up the need to undertake a holistic, multi-stakeholder approach when tackling violence. The study was undertaken again 20 years after the initial investigating period to assess the impact of interventions and results have been quite startling. Therefore, when the government together with all actors in society cooperate to ensure the elimination of VAW, a decrease in IPV of up to 50% can be recorded in one generation, as demonstrated by the aforementioned study. Hence, focusing on violence alone is insufficient, as all expressions of gender inequality ought to be taken into consideration. Such integrated approaches tackling VAW have been promoted as best practices by various speakers.

The Istanbul Convention and its monitoring group GREVIO was also promoted as a best practice, being the most comprehensive legal instrument to date addressing VAW, which in spite of being a new-comer at the international level, can serve as a source of inspiration for all states. Gender stereotypes and sexism were singled out as the biggest problems currently faced in Europe. Globally, the fact that not all regions are fully committed to the universality of women's human rights was highlighted as something which has stymied the process of combatting VAW and empowering all women and girls.

Child marriage, women's sexual and reproductive rights, including protection from FGM, and equality of women within the family are areas which should be prioritized by all states in their efforts to tackle VAW in order to convey a more powerful message and ensure coherence.

The need for accurate and comparable data on all manifestations of VAW, including femicide, was highlighted as a priority by various Member States. Recommendations given in this respect touched upon the need for states to establish platforms for information and data collection, and use similar indicators. The Panama Protocol, developed by UN Women in consultation with states from Latin America, was also promoted as a best practice which sets out an extensive protocol for the investigation and prosecution of femicide cases, laying down a set of responsibilities for states to pursue, in accordance with the principle of due diligence.

A side event on femicide organised by the Government of Chile, UN Women and the SRVAW raised awareness on recent policy developments from Chile and El Salvador to combat femicide and touched upon existing tools and good practices in the field. The Minister of Women's Affairs and Gender Equity from Chile, Ms. Claudia Pascual, spoke about the inclusive and participatory measures undertaken in her country to eradicate femicide, highlighting that all ministries and state departments, including the police, the education and health care systems, must work together to publicly condemn femicide, prosecute perpetrators and implement adequate preventive interventions. Chile and El Salvador are also among the 16 countries from Latin America which have adopted specific laws tackling the crime of femicide.

A side event organised by Georgia and the SRVAW looked at existing laws in Georgia addressing VAW, including femicide. It was stated that domestic violence is still regarded as a private matter in many parts of the country, abuse being often not reported or under reported, and women continue being killed by their intimate partners. The Government has taken steps in recent years to harmonise national legislation, ensuring that it is in line with provisions from the Istanbul Convention and CEDAW. A government survey on VAW also recently uncovered

<sup>3</sup>Ellsberg, Mary, et.al (2000), 'Candies in Hell', Social Science and Medicine, vol. 51(11), pp. 1595-1610, available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.473.5453&rep=rep1&type=pdf>

the fact that FGM is a serious problem encountered in rural areas.

Child marriage, and so called early unions<sup>4</sup>, together with child pregnancies were identified as issues which ought to be prioritized by state interventions addressing VAW in Latin America, together with a need to increase investments in girls. A side event organised by the Governments of Panama and Guatemala looked at the problem of child marriage and early unions in Latin America and the Caribbean (LAC). The Montevideo Strategy for the implementation of the regional gender agenda within the Sustainable Development Framework by 2030<sup>5</sup> recognises these as obstacles to the free exercise of girls' rights. According to the UNICEF global database, the prevalence of child marriage and early unions in LAC

is of 23%, lower than Central and Eastern Africa (36%) but higher than the Middle East and North Africa.<sup>6</sup> The highest prevalence rates in LAC can be observed in Nicaragua, Dominican Republic, Brazil, Honduras and Mexico. In Mexico, this problem is often encountered in indigenous communities. If current trends are allowed to continue, it is estimated that by 2030 approximately 9.7 million girls will be affected by child marriage in LAC.

In sum, the following actions have been put forward as promising practices to ensure the elimination of VAW: creating a culture of zero tolerance towards VAW, adopting policies addressing VAW which are inclusive and participatory, educating boys and girls in matters related to gender equality, including all women into the labour market and closing the gender wage gap.

<sup>3</sup> Ellsberg, Mary, et.al (2000), 'Candies in Hell', *Social Science and Medicine*, vol. 51(11), pp. 1595-1610, available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.473.5453&rep=rep1&type=pdf>

<sup>4</sup> The term applies to informal unions affecting girls below the age of 18. Under such circumstances girls are protected by neither customary nor civil laws. Many of the health and social consequences related to child marriage apply also to girls in a relationship of cohabitation with a man, which is often significantly older.

<sup>5</sup> Available at: <http://repositorio.cepal.org/handle/11362/41013>

<sup>6</sup> <https://data.unicef.org/topic/child-protection/child-marriage/>

**“Yazidi women want the chance to face their abusers in court; they want legal judgments to be published, to prevent their genocide later being denied. And they deserve nothing less. But justice will forever be out of reach if we allow the evidence to disappear: if mass graves are not protected, if medical evidence is lost, if witnesses can no longer be traced.”**

*Human rights attorney Amal Clooney’s speech to the United Nations in New York on violence against women by ISIS.  
March 9, 2017*



*Credits: UN Photos*

Nadia Murad Basee Taha (left), UNODC (UN Office on Drugs and Crime) Goodwill Ambassador for the Dignity of Survivors of Human Trafficking and Yazidi survivor of trafficking at the hands of ISIL (Da’esh), with Amal Clooney, Barrister at Doughty Street Chambers and Legal Representative for Yazidi survivors, during the high-level

event on “The Fight against Impunity for Atrocities: Bringing Da’esh to Justice”. The event was co-organized by the Permanent Missions of Belgium, Canada, Germany, Iraq and the United Kingdom with the Global Centre for the Responsibility to Protect.

# **PART II**

## **OSCE Symposium: Combatting Femicide Vienna, Austria November 25th, 2016**

“Deep-rooted inequality, attitudes and social norms that condone or normalise such violence, have made the problem tenacious, but not inevitable. With laws to protect women and punish perpetrators, services to rebuild women’s lives and comprehensive prevention that starts early, ending violence against women and girls can become a reality.”

*UN Women, November 25th Statement, 2016*



## Excerpt from the Statement by Dr. Dubravka Šimonovic, Special Rapporteur on Violence against Women, its causes and consequences

“ ... I am deeply convinced that a “Femicide Watch” is a practical mechanism, a tool to improve and strengthen already existing preventative measures by identifying possible failures of protection. Additionally, it would promote awareness about the issue of gender-based violence against women and incite further actions for its prevention.



Photo credit: Dr. Dr. Dubravka Šimonovic at the OSCE Symposium on 25 November, 2016 by Micky Kroel/OSCEI

In honour of the International Day on the Elimination of Violence against Women, my mandate issued a joint call with all other global and regional mechanisms:

1. United Nations Special Rapporteur on violence against women, its causes and consequences,
2. Committee on the Elimination of Discrimination against Women (CEDAW),
3. Inter- American Special Rapporteur on violence against women,
4. Special Rapporteur on the Rights of Women in Africa,
5. United Nations Working Group on the issue of discrimination against women in law and in practice,
6. Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI)
7. Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe (GREVIO), \*

We ALL called for:

- PREVENTION: fully endorsing, incorporating and implementing global and regional treaties on women’s rights and violence against women



(CEDAW and its Optional Protocol, the Belém do Pará Convention, the Maputo Protocol and the Istanbul Convention);

- **PROTECTION:** providing shelters and safe places, crisis centres, protection orders and services for women and their children survivors of violence and integrating gender perspective in the work of legal professionals and law enforcements officials dealing with violence against women;
- **PROSECUTION,** including sanctions of perpetrators and providing redress and reparations to the victims and their families.

All experts also welcome the call of my mandate for the establishment of a “Gender-Related Killing of Women (Femicide) Watch.

Women victims of violence still face multiple challenges in their search for protection, justice and rehabilitation due to entrenched patriarchal attitudes and gender stereotypes which make gender-based violence tolerated and treated as a private matter.

There is an urgent need to break the cycle of silence and acceptance of violence against women as a private matter and to secure the right of each and every woman and girl to live a life free from violence.”

## “Gender-Related Killing Affects All Societies”

*Aldo Lale-Demoz*

*Deputy Executive Director of UNODC*

Building on an increasing amount of evidence, UNODC and its partners within and beyond the UN system are engaged in promoting global standards and in supporting national action to prevent and eliminate this crime and to provide women and girls with enhanced support and protection from related gender-based violence. The international community is dedicating specific attention to the sad fact that gender-related killing indeed affects all our societies. With the adoption of the 2030 Agenda, eliminating all forms of violence against women and girls became an integral part of our joint efforts towards sustainable development for all.

Evidence indicates that violence frequently escalates into the killing of women and girls. According to UNODC’s Global Studies on Homicide, intimate and family-related violence is a major cause of female homicides worldwide. According to the most recent data, women make up the majority of victims of homicide perpetrated by both intimate partners or family members (in fact, 60 per cent in a sample of 53 countries worldwide), women constitute an even higher share of victims of homicide perpetrated by intimate partners alone. In the 36 countries worldwide for which data was available, women made up 78 per cent of all victims of intimate partner homicides. Such killings are only one of the many forms of gender-related killing of women and girls. Other

manifestations include killing related to accusations of sorcery or witchcraft, honour-related killing, or dowry-related killing, to name just a few.

Whilst a more detailed analysis of manifestations, prevalence and causes for gender-related killing of women yields differences among regions, there are also many similarities. The common denominator of all manifestations is the socio-political and economic disempowerment of women and the systematic disregard for equal enjoyment of human rights by women. Gender-related killings go beyond “ordinary” murder and often represent the final event of an extended and ignored continuum of violence, which is rooted in gender-based discrimination and the unequal power relations between men and women.

Thanks to the joint efforts of civil society, Member States and our UN partners, we have managed to put gender-related killing of women and girls high on the political agenda. We now have two strong UN General Assembly resolutions (68/191 of 2013 and 70/176 of 2015), which call for specific measures to prevent, investigate, prosecute and punish such killings. We also supported the development of UN recommendations for action against gender-related killing, including on data collection and analysis, prevention, investigation and prosecution, as well as victim support and assistance.

In the area of data collection and analysis, more accurate and consistent statistics are essential to understand and respond to the nature, scope and trends of gender-related killing and related violence. In addition to the UNODC global studies on homicide, a new milestone is the recently published International Classification of Crime for Statistical Purposes, which aims to improve the quality and harmonization of data produced by different institutions and sources at the country level. In addition to covering “femicide” as a form of intentional homicide, it promotes data disaggregation that can provide information on specific forms of gender-related killing. In close collaboration with member states and concerned international agencies, UNODC is conducting a revision of the global data collection on crime and criminal justice. This will take into account crucially the data requirements emanating from the 2030 Agenda and it will form the backbone of data available to the international community in the area of violence, justice and the rule of law. Thanks to such efforts, in the next few years, we will have more and better data also on gender-related killings, which can be used and disseminated through national, regional and global femicide observatories.

To support action against gender-related killing at the regional and national levels, UNODC has complemented ongoing initiatives like the adaptation and implementation of the Latin American model protocol for the investigation of gender-related killings of women, which was developed by UN-Women and OHCHR. UN efforts to support countries in preventing and addressing gender-related killing also include technical assistance

to adapt legal and policy frameworks and to develop the capacity of institutions. This entails working with criminal justice officials to strengthen their investigation and prosecution skills, supporting data collection and analysis to build a knowledge base for targeted action, as well as raising awareness of the issue among key stakeholders and the population at large.

But targeted measures against gender-related killing are not enough. It is crucial that they build upon ongoing efforts to counter violence against women and girls, in order to protect and support victims and survivors of violence before it can escalate into gender-related killing. UNODC recently joined forces with UN Women, UNFPA and other partners in developing and implementing a joint UN global programme on essential services for women and girls subject to violence. A recent result of this collaboration is the essential services package for women and girls subject to violence including modules on justice and policing, health, social services and on coordination. We have started to use it to support countries in providing comprehensive and multi-disciplinary responses to violence against women.

The UNODC stands ready to continue supporting Member States in their efforts to put an end to gender-related killing of women and girls. This can only be achieved through stronger partnerships with other UN entities, civil society and academic institutions. Together we can help governments and practitioners to implement concrete action in line with international standards, norms and good practices based on evidence.

# “Violence Against Women Remains an Epidemic Across the OSCE Region”

*Ambassador Clemens Koja*

*Permanent Representative of Austria to the OSCE*

It was with great pleasure that I accepted the invitation to speak at today’s symposium discussing the importance of combating violence against women and, in particular, femicide. Let me thank the UN Special Rapporteur on violence against women, Dr. Šimonović, and you, Ambassador Beham, for taking a lead on this important subject on the occasion of the International Day to Eliminate Violence Against Women and the first day of the 16 Days of Activism to combat gender-based violence.

Despite many efforts, violence against women remains a – I would say epidemic - threat to the human rights of women and girls across the OSCE region and a serious impediment to achieving comprehensive security for all citizens.

Femicide is certainly one of the gravest manifestations of violence against women and a global problem that needs a coordinated and collective response. I understand that this meeting has helped to identify some of the steps urgently needed in this regard.

More data and a better understanding of this problem are crucial for devising effective approaches to combat this heinous crime. The other challenge is the fight against impunity. Far too many perpetrators continue to go unpunished or their sentences do in no way correspond to the gravity of the crime. There are no circumstances that can excuse violence that targets women and girls — it is always a violation of their human rights, it is always a crime, and it is always unacceptable. As long as impunity for violence against women and girls is accepted and tolerated by society, so too will society continue to accept and tolerate acts of violence.

We must also step up our efforts to fight discrimination and the stereotypes that are the root causes for these crimes. Violence against women has grave consequences

for our societies and must therefore matter to every single one of us.

I firmly believe that the OSCE is well placed to make an essential contribution to combating violence against women and girls, and I hope that we can both deepen our commitments and make best use of the tools we have in our organizations. As a regional organization, the OSCE also has a role to contribute to attaining the Sustainable Development Goals, where we have, for the first time, a stand-alone goal on gender equality that also puts particular emphasis on the fight against violence against women as a serious impediment to sustainable development.

We should also align our efforts and work in complementarity with other international and regional organizations, in particular the Council of Europe, which has set new standards in this field with the adoption of the Istanbul Convention. Austria was one of the first countries that ratified this important instrument, and I would like to encourage all participating states that have not yet done so to join us!

Austria will address questions of gender equality and empowerment of women in a cross-dimensional manner, as a priority, during our OSCE Chairmanship next year.

We look forward to continued cooperation on the important subject of violence against women and hope that events such as this one can continue to bring together a diverse range of stakeholders in order to find solutions for important issues such as the ones debated today. I would like to congratulate the organisers of today’s event – the OSCE Gender Section, UNODC, ACUNS, the Office of the UN Special Rapporteur on violence against women and WAVE for this important symposium, and I hope that we will continue to benefit from your work and experience on this and many other topics.

# Femicide: Current State of Affairs in the Republic of Serbia

*Borjana Peruničić*  
*Ombudsman Office, Serbia*

The Protector of Citizens is an independent and autonomous public authority whose duty and mandate is to protect citizens' rights and to control the legality and regularity of the work of government agencies and organisations to which public powers have been delegated. The Protector of Citizens can also act preemptively by providing good services, mediating between the citizens and public authorities, and providing advice on matters within their sphere of competence, with a view to improving the work of public authorities and protecting human rights and freedoms. The Protector of Citizens also has the right to submit legislative initiatives, to give the Government and National Assembly their opinions on draft regulations, and to file motions for a constitutional legal review of laws, other regulations, and general instruments before the Constitutional Court.

Having ratified the Istanbul Convention, the Republic of Serbia has made a commitment to implement necessary measures to prevent all forms of violence against women in the family and intimate partner relationships. The adopted General<sup>1</sup> and Special<sup>2</sup> Protocols on Protection of Women against Violence included the standards of work performance in the system of the protection of women against violence.

Analysis of the implementation of General and Special Protocols on Protection of Women Against Violence of the relevant authorities, performed by the Protector of Citizens in the period from January 2013 until June 2014 has shown that the Protocols and all other relevant obligatory provisions are applied either rarely or selectively and insufficiently, and that often there is no good cooperation or efficient exchange of relevant information between the authorities responsible for preventing and combating violence against women in family and intimate partner relationships.

Lack of a single set of records on cases of violence against women, incompatibility and inconsistency of records kept by different systems, as well as different criteria used for data collection that prevent verification and comparisons of data are evident. Social welfare and health care systems collect and analyze data on women who suffer intimate partner or domestic violence, and belong to multiply marginalized social groups (women with disabilities, Roma women, immigrant women, refugee and internally displaced women, women from rural areas), but the police and the justice system do not do that. The records that exist point to the fact that, the number of women from marginalized groups who report violence is disproportionately low compared to the total number of cases of violence that are reported.

Lack of knowledge among caseworkers, insufficient training, inadequate number of caseworkers, insufficient supervision, and the absence of personal responsibility of professionals and managers for omissions in their work are some of the key reasons that have led to the present situation where the system of protection is inadequate, does not provide immediate and sufficient protection of women in any situation of violence, and requires substantial changes.

The practice of the Protector of Citizens has also shown that the system for the protection of women against violence does not pay proper attention to the fact that murders of women in family or intimate partner relationships in most of the cases constitute the final outcome of long-lasting violence against the victim. Femicide is most invariably preceded by multiple incidents of violence against the victim, and often against family members and third parties outside the family circle, too, which remained without an appropriate and timely response from the competent authorities. As

<sup>1</sup>General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in the Situations of Violence against Women in the Family and Intimate Partner Relationships

<sup>2</sup>Special Protocol for Action of Social Welfare Centres/Guardianship Authorities in Cases of Domestic and Intimate Partner Violence against Women; Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women; Special Protocol of the Ministry of Health for the Protection and Treatment of Women Victims of Violence; Special Protocol for Judicial Bodies in Cases of Violence against Women in the Family and Intimate Partner Relationships

a rule, relevant authorities do not check the history of domestic and intimate partnership violence in the cases of femicide. History of violence is often not incorporated in the reports and decisions of the relevant authorities in the proceedings conducted after murders of women, nor does it influence the final decision on the guilt of the perpetrator or the decision on sanctions. There is also a failure to recognise the fact that the separation of partners constitutes a risk factor for the development or continuation of intimate partner violence, even though all the evidence suggests that most victims of femicide are women who left or planned to leave and announced their leaving.

Analyses of the Protector of Citizens have also shown that the number of criminal reports that some police directorates and stations have submitted to the competent prosecutor's offices in relation to violence against women is ten times lower than the number of cases reported to the police. The number of requests for instituting misdemeanor proceedings, which these police directorates and stations filed, is even lower. In these bodies, the work on preventing and stopping domestic and intimate partner violence, in three quarters of the cases or even more, ends with a simple warning.

Prosecutors' offices dismiss a quarter of criminal charges filed for domestic violence, while in 15.2% of the cases they have applied the institute of deferred criminal prosecution, mostly by imposing an obligation to pay a certain amount of money for humanitarian purposes. A mere 25% of criminal reports submitted to prosecutors' offices for the criminal offence of domestic violence reach the stage of indictment and a trial. In such a manner, victims are not afforded adequate protection, which in turn gives rise to their distrust of the system.

Guardianship authorities and public prosecutors insufficiently use their power to initiate litigation for imposing the measure of protection from domestic violence. Victims of violence are left on their own, and it is largely up to their ability and the circumstances of the case to initiate, conduct, and conclude formal and complex judicial proceedings.

The resources at the disposal of bodies and institutions responsible for prevention and protection of women against violence are insufficient, and the use of already existing resources in local communities is insufficiently encouraged. The introduction of new models of acting,

organization of adequate training for staff, and the provision of new services to victims are mainly project-based activities which are of limited duration, and therefore do not produce long-term effects.

Preventive measures at the national, regional, and local levels are organized occasionally. They are not planned and are mainly aimed at raising awareness of staff, fostering the establishment of links among bodies, and developing an interdisciplinary approach in response to violence. Measures aimed at changing social attitudes toward violence against women are sporadic and invisible to the general public.

This year, the Protector of Citizens received 127 complaints in the field of gender equality, and 31 (24.4%) were complaints related to the work of public authorities in the cases of violence against women. In 2016, the Protector of Citizens also issued 141 recommendations to public authorities, after the omissions found in the work of the relevant authorities in 63 cases of domestic violence and violence in intimate partner relationships. Having investigated 63 cases of family and intimate partnership violence, including 13 cases of femicide, the Protector of Citizens has also established numerous similar omissions of the authorities working on the protection of women from domestic and intimate partner violence. Identical or similar omissions in the work of authorities indicate the necessity to begin performing, without delay, a comprehensive assessment of the causes of these omissions, establishing responsibility and, in accordance with law, imposing sanctions for these omissions and planning activities in order to eliminate or reduce the risk of their repetition in the future. This is a characteristic of the responsible work and attitude of authorities not only towards beneficiaries - whose vital interests depend on the regularity of their work - but also towards the profession, professional integrity of experts and officials, and one's own work.

In accordance with its above mentioned findings the Protector of Citizens issued dozens of systemic recommendations to the relevant authorities. The aim was to improve the work of all the authorities responding to the situations of violence against women and children and to enable prevention of gender based violence and efficient, adequate, and comprehensive protection of victims of domestic and intimate partnership violence.



Recently, the National Assembly of the Republic of Serbia adopted the Law on Prevention of Domestic Violence and other legislations that consist of certain provisions in

accordance with the recommendations of the Protector of Citizens.

## Femicide in Armenia: A Silent Epidemic

by Ani Jilozian,

*Data Analyst and Writer at the Women's Support Center, Yerevan*

This article is an abridged version of the report published by the Coalition to Stop Violence Against Women, which is available at: <http://coalitionagainstviolence.org/en/femicide-en/>.

Gender-related killings are the most extreme manifestation of violence against women and constitute a gross violation of women's right to life, humane treatment, personal liberty, and non-discrimination. While the greatest danger for men is to experience physical violence or be killed by other men in the public sphere, violence against women primarily takes place by male intimate partners or family members in private spaces and typically involves ongoing abuse in the home, threats or intimidation, cruelty and torture, sexual violence, and extreme power imbalances.<sup>1</sup>

Since 2010, at least 40 women in Armenia have been killed by former or current intimate partners and family members, and their children have been left motherless as a consequence of these murders. Impunity for the killings of women is a global concern. Trends in data show that the highest levels of femicide correspond to regions with the highest overall rates of lethal violence; however, this is not the case with post-Soviet countries, many of which have disproportionately high rates of femicide with respect to intentional homicide.<sup>2</sup> The only known national statistics reveal that 10.5% of the total reported homicide victims in Armenia in 2012 were females killed by intimate partners or family members, whereas significantly fewer males (2.9%) were killed by intimate partners or family members.<sup>3</sup> These numbers only represent documented cases of intentional homicide

and do not take into consideration cases not reported or documented as such.

Although it is impossible to predict with certainty which batterers will become lethal, there are well-documented factors identified in femicide, including the perpetrator's history of violent episodes, the victim's attempts to leave the abuser, previous threats to kill the victim, and a show of obsessive and/or possessive behavior on behalf of the perpetrator. In Armenia, femicide is mainly carried out by former and current intimate partners inside of the home and, as a rule of thumb, involves continual humiliation, threats, intimidation, ill-treatment, torture, and sexual violence.

Between 2010-2015, the majority of femicide victims were between the ages of 20-40 and lived in a rural area with the perpetrator at the time of the murder. In the majority of these cases, the perpetrator used a knife or blunt object to kill the victim; a smaller percentage was killed by strangling/suffocating, burning, and shooting. In this same period of time, all of the victims of intimate partner violence had at least one child together with their perpetrators. At least 7 of the children witnessed the murder of their mothers, and 3 of these children were injured during the deadly attack. Sadly, in the majority of these femicide cases, investigations have been initiated but no criminal cases have been opened, and there are

<sup>1</sup> World Health Organization. 2012. Understanding and Addressing Violence Against Women. Retrieved from [http://apps.who.int/iris/bitstream/10665/77421/1/WHO\\_RHR\\_12.38\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf?ua=1).

<sup>2</sup> Smit PR, de Jong RR, and Catrien C.J.H. Bijlevald C. 2012. Homicide Data in Europe: Definitions, Sources, and Statistics. In Handbook of European Homicide Research, 5-23.

<sup>3</sup> United Nations Office on Drugs and Crime. 2013. Global Study on Homicide: Trends, Context, Data. Retrieved from [https://www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014_GLOBAL_HOMICIDE_BOOK_web.pdf).

no verdicts to date. Only 5 of the perpetrators have been convicted and sentenced to prison, with an average jail sentence of only 10 years.

While femicide is indicative of a culture of violence against women in Armenia, we have yet to see a strong effort in all sectors of Armenian society to stem gender-based violence and improve equality indicators between women and men. Although a law is set to be passed in 2018, to date there is still no legislation on domestic violence and the status quo continues to obstruct women's access to their fundamental human rights to safety and protection. Often, death threats and other warning signs are overlooked, as officials lack the capacity to carry out appropriate risk assessments or are unwilling to do so. In the court room, it is not uncommon for perpetrators' sentences to be reduced due to mitigating circumstances, and the classifications of murders as "crimes of passion" or "crimes of jealousy" result in the misidentification and underreporting of femicides.

Armenia must strengthen its state response and mandate legislation prohibiting domestic violence and other forms of violence against women. Public institutions, including police forces, prosecution officers, and courts, must be accountable for delivering safety and justice for women and girls through emergency barring and protection orders, prosecution and appropriate punishment of perpetrators to end impunity, and support services that empower victims. It is important to develop and implement specific legislation that distinguishes killings that are gender-motivated in an effort to critically examine patterns and design appropriate responses to femicide.<sup>4</sup> Comprehensive trainings with social workers, police, health providers, medical examiners, court officials, and others interacting with domestic violence victims should be carried out to build on their capacity to identify intimate partner violence, be cognizant of the risk factors as they surface, and take immediate steps to provide proper care to victims and make referrals as necessary.

Statistics on intimate-partner femicide are not easily obtainable in Armenia, as most state agencies do not disaggregate data on violence in the family based on gender. There are serious gaps in our understanding of this phenomenon and no systematic processes for accurately documenting domestic abuse, fully investigating cases, making appropriate referrals, or issuing protection orders and other legal instruments. Strengthening surveillance and screening requires homicide data to be aggregated by sex and for other important information to be included in reports about the victim-perpetrator relationship and circumstances around the death. Relevant agencies should cooperate on such reports in an effort to properly identify instances of femicide as they occur. It is also possible to use innovative methods such as verbal autopsies, which involve interviews with individuals close to the victim, to determine the circumstances of deaths and how they may have been prevented.<sup>5</sup> Creative methods of data collection are especially important for limited-resource settings like Armenia, where there are incomplete or missing reports and an inability or unwillingness of police to investigate such murders.<sup>6</sup>

The mass media plays a fundamental role in constructing and perpetuating social constructs and narratives of violence for audiences to consume. Television is watched by the vast majority of Armenians and, thus, has far-reaching impact in shaping our perceptions and attitudes regarding a number of issues. Many of the most popular television programs reinforce misogynistic and patriarchal norms and entertain ideas of controlling women through violence and oppressing them. Cases of femicide have been sadly downplayed in the media and among society. They have often been presented as deviations from the norm or family tragedies rather than as a trend resulting from a system of gender domination. Articles, reportages, and media campaigns on this serious issue must directly inform and warn the public that killing female intimate partners under the auspices of "jealousy" is a crime against women, powered by the patriarchy and notions of female inferiority and should entail just penalties.

<sup>4</sup> Academic Council on the United Nations System. 2013. Femicide: A Global Issue that Demands Action. Retrieved from [http://www.genevadeclaration.org/fileadmin/docs/Co-publications/Femicide\\_A%20Gobal%20Issue%20that%20demands%20Action.pdf](http://www.genevadeclaration.org/fileadmin/docs/Co-publications/Femicide_A%20Gobal%20Issue%20that%20demands%20Action.pdf).

<sup>5</sup> Ibid.

<sup>6</sup> Program for Appropriate Technology in Health, InterCambios, Medical Research Council of South Africa, and World Health Organization. 2009. Strengthening Understanding of Femicide: Using research to galvanize action and accountability. Retrieved from [http://www.path.org/publications/files/GVR\\_femicide\\_rpt.pdf](http://www.path.org/publications/files/GVR_femicide_rpt.pdf).

Women often do not report cases of domestic abuse due to a lack of support services as well as numerous cultural, legal, and institutional barriers, putting them at greater risk of homicide by intimate partners and family members. Deep-rooted beliefs about traditional family values enforce the notion that men should be dominant and women subservient and submissive. Too often, women feel a tremendous amount of pressure to stay in abusive relationships, as they are told that they are bringing shame to the family if they decide to speak out. Therefore, justifications for violence translate into a learned behavior, and this acceptance of domestic abuse hinders women's ability to escape violent relationships. Women subjected to gender-based violence must have access to services that protect and empower them to escape the cycle of abuse. Law enforcement and service providers must coordinate efforts to best serve female victims of domestic violence and their children. Comprehensive services should include psychological, social, and legal interventions aimed at increasing women's level of autonomy and self-esteem as well as

safe houses to reduce the risk of violence and support their reintegration into society.

The most effective way to eliminate all forms of violence against women is to stop it from happening in the first place. As the issue of lethal domestic violence is steeped in a strong patriarchal tradition and stems from a cultural acceptance of gender-based violence, greater efforts must be made to challenge such belief systems and mobilize communities to support, develop, and implement educational programs and strategies to combat harmful gender stereotypes. Femicide cannot be fully addressed without tackling the misogyny and patriarchy at a foundational level that permeates much of Armenian society. Strong efforts must be made to engage with local communities and develop educational programs that mainstream a gender perspective and legislation that addresses structural violence at the local and national levels and improves women's opportunities to find well-paid work, acquire wealth, and achieve advancement into positions of power.

# PART III

## Latin America: The People's Movement Against Femicide

“Elaborar un registro oficial único de víctimas de la violencia contra las mujeres. Realizar estadísticas oficiales y actualizadas sobre femicidios. Solo dimensionar lo que sucede permitirá el diseño de políticas públicas efectivas.”

“Create an official register of female victims of gender-related violence. Gather official and up-to-date statistics on femicide. Evaluating what is happening will allow for the implementation of effective public policy.”

*Ni Una Menos Movement, 2015*

# The Ni Una Menos movement is ahead of the problem: the State must catch up and intensify efforts to prevent femicide and other forms of gender based violence against women and girls

*Dubravka Šimonović, the UN Special Rapporteur issued the following statement following her visit to Argentina from 14 to 21 November 2016.*

“First of all, I would like to thank the Government of Argentina for inviting me to conduct this official visit and for its excellent cooperation before and during my stay. This is the first visit to the country by the Special Rapporteur on violence against women, its causes and consequences, and it took place at a time when the issue of violence against women is the focus of the society’s attention. This visit is happening almost at the same time as the examination of the 7th periodic report of Argentina before the CEDAW committee. I hope that the CEDAW recommendations and the recommendations resulting from this visit will jointly help the government to strengthen its efforts to eliminate violence against women and to uphold women’s rights in the public and especially in the private sphere to life free from violence, in line with Argentina’s international human rights commitments made under the Convention on the Elimination of Discrimination against Women, the Declaration on the Elimination of Violence against Women and the Belém do Pará Convention.

I have been able to gather first-hand information on the situation of violence against women and to meet with a large number of authorities’ representatives, both at federal and at provincial level, civil society organizations, victims as well as with United Nations officials. I visited Buenos Aires and the provinces of Buenos Aires, Tucuman and Corrientes. I would like to thank all of them for an excellent cooperation.

I would like to thank in particular the women and girls who shared with me their personal stories placing their trust and some of their hopes in my hands. Despite unique contextual complexities related to federal and provincial competencies in this area, I humbly believe that I have been able to get a good understanding of the reality of women’s and girls’ lives and some systematic problems they face when it comes to their right to live a

life free from violence and gender inequality.

## **Preliminary findings on my visit to Argentina**

Violence against women is rooted in inequalities and discrimination against women and its prevention and eradication must be grounded in achieving gender equality and empowerment of women through prevention, protection and prosecution of violence against women done in a holistic manner throughout the State and its provinces, which is not yet the case.

## **Legal framework**

Argentina has ratified the CEDAW, its optional protocol and the Belém do Pará convention and adopted a number of important laws on women’s rights and gender based violence - Law 26.485, adopted in 2009, to provide comprehensive protection as a means of preventing, punishing and eradicating violence against women within the scope of interpersonal relations; Law 26.842, adopted on 19 December 2012 providing for the prevention and punishment of trafficking in persons and assistance to victims; the Gender Identity Act, adopted on 9 May 2012, recognizing the right to one’s self-perceived gender identity, to name but a few. I also welcome the adoption of the National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019), which provides an institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality at federal level.

Despite these positive developments, however, women victims of violence in the country are faced with a **systemic and overarching problem** – namely, the lack of implementation of international and national standards with significant variation between the provinces,



resulting in differing levels of protection of women and girls against gender based violence.

With respect to international standards - article 75 of the Constitution gives international treaties like CEDAW and the Belém do Pará convention precedence over national laws, but there is lack of their direct implementation to the judiciary. There is also a gap with respect to implementation of national standards on violence against women caused by lack of full endorsement and absence of effective implementation of federal comprehensive law on violence against women at the provincial level; some of which still use a provincial domestic violence law.

Furthermore, I am especially concerned that under the federal Criminal Procedure Code, prosecution of sexual offences is not conducted ex officio which signifies that no action to prosecute and punish rape, even in a case on a minor victim, can be taken without private instance action by the victim. This type of regulation sends the wrong message that rape and sexual violence are a private matter and not a public concern that requires ex officio prosecution. The definition of rape is not based on lack of consent, but is connected with use of force and, under article 119 of the Criminal Code, the minimum age of consent is only 13. I recommend bringing the criminal provisions on rape in line with international human rights standards as elaborated in CEDAW committee jurisprudence in several cases.

I welcome the fact that the statute of limitations was removed for sexual crimes committed against children before they were 14 years old. Recent development of international standards in this area require States to ensure that the statute of limitation for initiating legal proceedings with regard to rape and other sexual violence shall allow initiation of proceedings after the victim has reached the age of 18.

Some articles of the Criminal Code are not self-executing, such as article 86 that establishes exceptions for criminalization of abortion in cases where the abortion is allowed in order to avoid a danger to the life or health of the mother, if this danger could not be avoided by other means and if the pregnancy resulted from a rape. The Supreme Court of Justice issued a decision on 13 March 2012, reaffirming women's right to interrupt pregnancy in all circumstances allowed by law, that is when her life or health are at risk or when the pregnancy

is a result of rape. In June 2015 The Federal Ministry of Health published a „Protocol for the comprehensive care of persons with the right to the legal interruption of pregnancy” but this protocol lacks legal status. To date only 8 of the 24 provincial jurisdictions have issued care protocols on non- punishable abortions compliant with the National Protocol.

The absence of such protocols coupled with the frequent refusal of doctors to perform an abortion based on conscientious objection, according to reports I received, results in high numbers of unsafe abortions and contributes to the high maternal mortality rate in Argentina. I call on the responsible provincial authorities to adopt the necessary protocols as a matter of urgency. I also call on the Federal and Provincial Ministries of Health to collect and disseminate information regarding public health facilities throughout the country that provide access to safe legal abortion and to post-abortion services.

The general criminalization of abortion together with the obstacles to accessing legal abortion has resulted in women seeking care in cases of miscarriage being denounced by health professionals and having to face criminal charges.

I endorse the recommendations of the CEDAW committee calling for women to have access to safe legal abortion and post-abortion services and define and apply strict justification requirements to prevent the blanket use of conscientious objection by doctors refusing to perform abortions, considering in particular the situation of early pregnancies as a result of rape and incest that may amount to torture. In addition, the government should accelerate the adoption of the draft law for the voluntary interruption of pregnancy increasing legal access to abortion.

Having received numerous reports of the alarmingly high rate of pregnancies and births of girls between 13 and 18 years of age, I would strongly encourage the Federal and Provincial governments to provide adequate budgets for the implementation of Law 26.150 of 2006 that creates the National Comprehensive Sex Education Programme. In addition I would recommend that sexual and reproductive rights education is included in the curricula of all schools and efforts to disseminate free of charge contraceptives are intensified, in particular in informal settlements and low income areas. I am,

however, concerned that not all provinces have adhered to the Law on the National Comprehensive Sex Education Programme.

### **Femicide and data on violence against women**

Preventing and combating femicide and other forms of violence against women requires evidence based policy making. During my visit, I received information regarding various gender observatories, which collect data through various methodologies, both by government authorities, the Ombudsman's Office and non-governmental organisations. I commend the Supreme Court of Justice's Office of Women. According to their data, in 2014 there have been 225 femicides and in 2015 there have been 235 femicides, (70 % of which were family related). I recognize the efforts made in the area of collection of data on femicide, but note that the information gathered by the Supreme Court includes only the cases where judicial proceedings have taken place, and leaves out an important number of other cases, for example those in which the perpetrator committed a suicide or when the victims were transgender persons. I am also concerned that no such disaggregated data exist regarding rapes and hate crimes against lesbian, bisexual, transgender and intersex persons (LBTI), investigations, prosecutions and convictions of perpetrators, as well as on redress provided to victims.

I would like to mention that last year I called on all UN Members States to establish a "femicide observatory" or "gender-relating killings" watch and establish interdisciplinary panels or designate national bodies in line with modalities provided in my report to the UN General Assembly (A/71/389). These observatories would collect and analyze the number of femicides or gender-motivated killings of women per year, disaggregated by age and sex of the perpetrators, as well as the relationship between that perpetrator and the victim or victims.

I welcome the decision of the Ombudsman's Office (Defensoria del Pueblo de la Nacion) to establish a femicide observatory in line with my recommendations contained in this mandate's report A/71/398. Taking into consideration the numerous ongoing NGOs and governmental initiatives to collect and analyze femicide data, I would like to encourage all of them to come together and cooperate and further improve collection of data and analysis of cases.

### **Legal Assistance**

During my visit I received information that legal aid is provided to victims by different governmental and non-governmental bodies and organisations. I also received reports that the needs are much greater than the capacity of the services that are available. This is particularly alarming taking into consideration the fact that one third of the country's population lives below the poverty line and women in impoverished communities are the most likely victims and the least likely to be able to afford legal assistance.

I welcome the adoption on 4 November 2015 of Law 27.210, establishing the Attorneys for Victims of Gender Violence Unit at the Ministry of Justice and Access to Justice Centers as a body of attorneys to provide free legal counseling to victims of gender-based violence. I endorse the recommendations of CEDAW that the government should ensure that information on legal remedies is available to women victims of gender-based violence, including in indigenous languages and in formats accessible to women with disabilities and that the new unit of attorneys for victims of gender violence, the access to justice centres and the specialized units at the Public Legal Aid Service (ATAJOS) of the Public Prosecutor's Office should provide free legal aid to all women without sufficient means across the territory of the State party, and provide interpretation services to indigenous women and women with disabilities, including deaf women.

### **Training of professionals**

During my visit I received information that there are some training programmes for judges and police officers on women's rights and violence against women. I did note, however, a serious need for dedicated training programmes for all officials, whose responsibilities might bring them into contact with victims- judges, prosecutors, police officers, lawyers, social and health workers and teachers. The training of police officers and judges appears to be of crucial importance, in light of the numerous reports I received of police officers refusing to take reports from victims of domestic violence and judges in family proceedings trying to mediate between victims of domestic violence and perpetrators with the aim to "save" the family. I recommend that all legislative acts, civil or criminal, requiring mandatory participation in dispute resolution processes should be amended to

exclude such proceedings in cases of violence against women and that judges should be trained to identify such cases. This is particularly important in order to prevent secondary victimization.

I also received numerous allegations of violence committed by police officers targeting transgender persons. I also consider appropriate reminding the importance of training the members of the judiciary, including judges and prosecutors, on the international and regional women's rights instruments, including the CEDAW Convention and good practices to ensure at the domestic level that laws are applied in accordance with international standards and norms.

### **Gender stereotypes and raising awareness**

The implementation of laws and the protection of women from violence are challenged by entrenched patriarchal attitudes and gender stereotypes, "machismo culture", making gender-based violence tolerated, and domestic violence a "private" matter rather than a public concern, in most parts of the country. I endorse the recommendation of the CEDAW committee that the government should adopt a comprehensive strategy targeting women, men, girls and boys to overcome machismo culture and discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society.

I became aware of the huge lack of awareness about the fact that violence against women constitutes a violation of human rights and is a form of discrimination against women. There is an urgent need to promote or conduct awareness raising campaigns in cooperation with civil

society to increase awareness among the general public on different forms of violence against women.

During my visit numerous stakeholders stressed the crucial role of education and need to include education on equality between women and man and gender based violence in school programmes at all levels of education. I was pleased to learn that several law faculties around the country have included mandatory courses on gender in their curricula.

### **Concluding remarks**

In conclusion I call on the federal and provincial authorities in Argentina to fully integrate international and regional women's rights standards into its legal system and to strengthen and implement its comprehensive legal framework on violence against women as well as enhance coordination among the mechanisms aimed at preventing and combating violence against women. There is an urgent need to uphold the principle that sexual violence is not a private matter but a public concern and in that respect, to amend the Criminal Procedure Code and to provide ex officio prosecution of rape and other forms of sexual violence.

The "Ni Una Menos" movement in Argentina did put the issue of femicide in the "lime light" and attracted the world's attention to it and challenged the government to intensify its efforts on ending and preventing such violence. The Government supported the movement, but this commitment should be now translated into concrete actions based on its due diligence obligation to prevent and combat femicide and other forms violence in order to secure the right of each and every woman and girl to the right to live a life free from violence."

# Argentina: Femicide Registries and Observatories

by Minister Maite Fernández García

Embassy and Permanent Mission of the Argentine Republic to the International Organizations in Vienna

Violence against women is a public-policy matter for the Argentine Republic. In July 2016, the President of the National Council of Women launched the “National Plan against Violence” in order to stream the national policies to contribute to the prevention, sanction and eradication of the violence against women, in accordance with Law 26.485.

## Report of the Supreme Court of Justice on the Femicide Register for the year 2015

Elena Highton de Nolasco, Vice-Chair of the Supreme Court of Justice, asked the Women’s Office (Oficina de la Mujer) to create a Femicide Register, in collaboration with all of the country’s jurisdictions.

The Register includes all of the murders of women (children, adolescents, or grown-ups) in 2014 by men. The deaths are associated to their gender, whether

typified as femicide or not. This initiative has enabled Argentina to quantify the expression of the violence against women and to create a baseline for its record, which will be updated in order to help design policies for the prevention and treatment of femicide cases.

The report “Datos estadísticos del Poder Judicial sobre femicidios 2014” is available at the web page of the **Oficina de la Mujer de la Corte Suprema de Justicia de la Nación** ([www.csjn.gov.ar/om](http://www.csjn.gov.ar/om)).

Province	Total Population	Femicides	Victims per 100.000 Women	1 Victim per
Chaco	571,938	15	2.62	38,129 women
Salta	664,245	16	2.41	41,515 women
Santiago del Estero	460,778	9	1.95	51,197 women
Formosa	287,899	5	1.74	57,579 women
Río Negro	345,661	6	1.74	57,610 women
Entre Ríos	666,671	11	1.65	60,606 women
Misiones	587,658	9	1.53	65,295 women
Tierra del Fuego	72,535	1	1.38	72,535 women
Santa Cruz	151,363	2	1.32	75,681 women

Province	Total Population	Femicides	Victims per 100.000 Women	1 Victim per
La Pampa	171,145	2	1.17	85,572 women
Buenos Aires	8,411,300	92	1.09	91,427 women
CABA	1,626,722	14	0.86	116,194 women
San Luis	236,959	2	0.84	118,479 women
Córdoba	1,807,209	15	0.83	120,480 women
Jujuy	364,224	3	0.82	121,408 women
Mendoza	949,068	6	0.63	158,178 women
Tucumán	796,820	4	0.50	199,205 women
Santa Fe	1,731,050	8	0.46	216,381 women
Corrientes	537,336	2	0.37	268,668 women
Chubut	278,000	1	0.36	278,000 women
Neuquén	306,643	1	0.33	306,643 women
San Juan	369,490	1	0.27	369,490 women
Catamarca	196,541	0		
La Rioja	182,042	0		

**Femicides per jurisdiction  
Estimated as of July 1st 2014**

Total Victims: 225

*\* Calculations are made based on estimated population as of 1st July 2014 by INDEC, according to projections based on the National Population Census 2010*

**Observatory of the National Council of Women**

This Observatory has a definition of violence against women that goes beyond the notion of inter-family violence and includes physical violence, sexual violence, symbolic violence, psychological violence, obstetric violence, economic violence, sexual freedom and reproductive violence. It also points out that violence can be exercised in several environments such as the working environment, the media environment, and the institutional environment.

The investigation of these types and environments means the necessity of creating new definitions, concepts and

strategies to take into account these modalities. The Observatory created a matrix of concepts with different types and modalities of violence, following and in accordance with what is stated in the law.

Law 26.486 considers violence against women to be all conduct, action or omission that, directly or indirectly whether in a private or a public domain, based on an unequal power relation, affects the life, freedom, dignity, physical or sexual or economic integrity, as well as the personal security of a woman. State violence or violence through state agents is also included in this definition.



Indirect violence is for the Law, any conduct, action or omission, disposition, criteria or discriminatory practice that puts a woman in a less favourable position in relation to a man. In this regard, the National Council of Women is working on the Femicide Observatory to create measurement mechanisms with compatible standards to create statistics on violence and femicide.

This register is a public policy in accordance with the commitments and obligations the Argentine State has made through the ratification of several international instruments of women's human rights. Amongst them is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Also, Law 26.485 mandates for a compilation and systematization of information related to violence against women, in order to formulate policies to prevent, sanction and eradicate violence against women.

## **NGOS**

There are also many NGOs working this issue. The **"Observatorio de Femicidios en Argentina Adriana Marisel Zambrano"**, is run by the NGO **"La Asociación Civil La Casa del Encuentro"**. This NGO surveys every year the femicides in Argentina through the monitoring of 120 newspapers and news agencies.

# La Muerte Sale por el Oriente

A Collaborative Artistic Project about Femicide in Mexico

by *Sonia Madrigal*

Mexico is currently undergoing one of the deepest crises regarding human rights, especially women's rights. According to the Instituto Nacional de las Mujeres (Inmujeres), on average seven women a day die due to extreme gender violence. Mexico State is one of the federal districts with the highest number of cases, especially in the municipalities of Ecatepec, Chimalhuacán and Nezahualcóyotl – this last one being my home district.

The project is a collaborative art work in process that seeks to denounce the fact that the country is a hostile ground for us, to such a degree that we have failed to guarantee the right to life. It is based on three axes: one of documentary photography, another of intervention on the territory and a third that is the geolocation of femicides through digital mapping in order to form a database on information that can be added to by anyone anywhere in the world (other maps made in Latin America have now been incorporated), all of which point to the territories of death that remain invisible to the authorities.

The project combines documentation, field research, interviews with mothers of femicide victims, assisting protests and manifestations, as well as participation in initiatives like the installation of pink crosses (the colour pink is used to represent femicides in the country) at the broadcasting channel La Compañía (Mexico State) and interventions in high-risk areas. I decided to do this type of work because I do not seek the exact reconstruction of what happened (frame by frame) as if I did a simple documentary, but was aiming for another approach toward these realities. I tried to disengage from the large amount of "nota roja" photographs which have invaded our daily lives lately and which contribute to a normalization of violence and make us numb for the pain the families go through. Rather, I seek solidarity and the building of networks between artists and the civil society so that the attention for the topic can expand to other latitudes as it did in the case of the Spanish illustrator

Proyecto Artístico Colaborativo en Torno a la Violencia Femicida en Estado de México

Actualmente, en México se vive una de las mayores crisis en cuanto a defensa de los derechos humanos de las mujeres se refiere. De acuerdo al Instituto Nacional de las Mujeres (Inmujeres) diariamente mueren siete mexicanas a causa de la violencia extrema, siendo el Estado de México una de las entidades federativas con mayor número de casos, que se concentran principalmente en Ecatepec, Chimalhuacán y Nezahualcóyotl, este último es el municipio donde yo vivo.

La muerte sale por el oriente es un trabajo artístico colaborativo en proceso que busca denunciar el hecho de que el país es un terreno hostil para nosotras, a tal grado que se nos ha dejado de garantizar el derecho a la vida. Se sustenta en tres ejes: uno de fotografía documental, otro de intervención sobre el territorio y un tercero que es la distribución geográfica de violencia feminicida que es la geolocalización de los feminicidios a través de mapeo digital, para ir conformando una base de datos sobre el tema, aquí se puede sumar información generada por cualquier persona en cualquier parte del mundo (ahora ya han sido incorporados otros mapeos realizados en América Latina), todo ello para señalar los territorios de la muerte que, para las autoridades, siguen siendo invisibles.

Este trabajo ha conllevado documentación, investigación de campo, entrevistas con madres de las víctimas, asistencia a marchas y manifestaciones, participación en iniciativas como la instalación de cruces de color rosa (color con el que se visibilizan los feminicidios en el país) en el canal de La Compañía (Estado de México) e intervenciones en zonas vulnerables. Decidí hacer este tipo de trabajo porque no buscaba la reconstrucción exacta de la historia (imagen por imagen) como si hiciera simplemente un registro documental, sino que buscaba otro tipo de acercamiento a estas realidades. Pretendía desligarme de la gran cantidad de fotografías de nota roja que actualmente han invadido nuestra vida diaria y que, de algún modo, contribuyen a la normalización de la violencia y nos anestesian ante el dolor que atraviesan las

Mercedes Camacho.

I started the project because I have the case of María Concepción Pérez Apolonio etched into my memory. She studied at the Universidad Pedagógica Nacional and had eight children. In 2006 her body was found in Nezahualcóyotl. She was one of the first victims in Chimalhuacán and Nezahualcóyotl (both municipalities of Mexico State). I clearly remember the news because Maria's body was found only a few meters away from my parents' house. The matter was crucial because it made me realise that femicides were happening but were being taken all too lightly. I also thought that the same thing could have happened to any woman of my family, a friend, an acquaintance or even to me. Years have passed since this case and the numbers keep rising. It is inevitable to wake up in the morning and learn that at least one other woman has been killed.



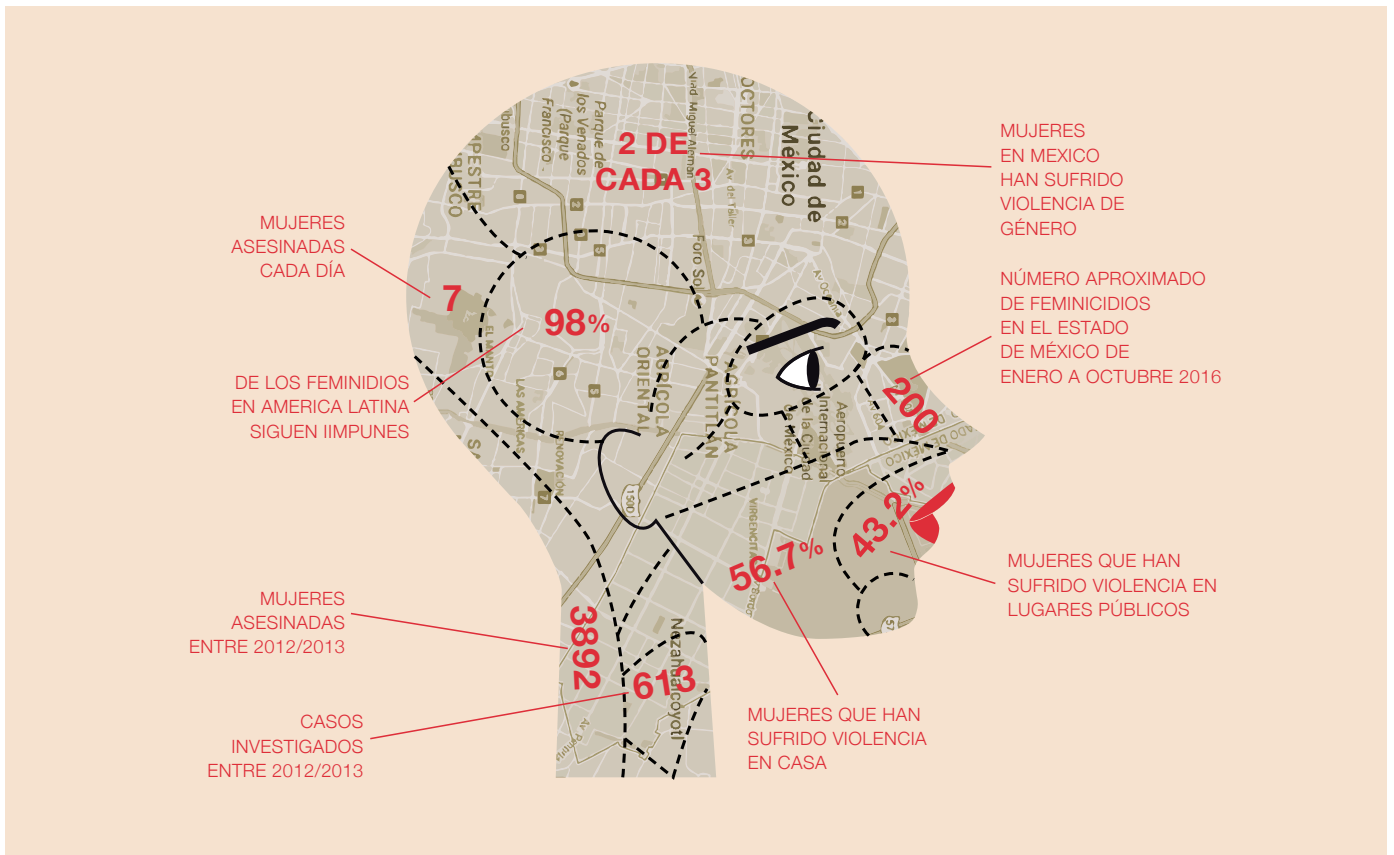
familias. Busco también que se tejan redes de solidaridad entre artistas y sociedad civil para que el tema se siga expandiendo a otras latitudes como sucedió en el caso de la ilustradora española Mercedes Camacho.

Comencé el proyecto porque tengo grabado en mi mente el caso de María Concepción Pérez Apolonio, ella estudiaba en la Universidad Pedagógica Nacional y tenía una hija de 8 años. En 2006 su cadáver fue encontrado en Nezahualcóyotl. Ella fue de las primeras víctimas de feminicidio en Chimalhuacán y Nezahualcóyotl (municipios del Estado de México). La noticia de María Concepción la recuerdo claramente porque su cuerpo fue hallado a unos cuantos metros de la casa de mis padres, ese hecho fue crucial porque me hizo tomar conciencia de que el tema estaba sucediendo pero se estaba tomando a la ligera y, por otra parte, pensé que lo mismo le podía haber ocurrido a una mujer de mi familia, una amiga, una conocida o hasta a mí. Los años han pasado desde ese caso y las cifras van en aumento, desde hace varios años, es inevitable despertar y enterarse de que han matado al menos a otra mujer.

<http://soniamadrigal.com/workinprogress>  
<http://soniamadrigal.com/lamuertesaleporeloriente/>

# Collected Statistics from an Independent Femicide Data Collection Initiative

*Illustrated by Mercedes Camacho Bernardino and created by Sonia Madrigal  
As part of the project “La Muerte Sale por el Oiente”*



2 out of 3 Mexican women have experienced violence (UN)

7 women per day are killed in Mexico (Observatorio Ciudadano Nacional del Femicidio)

98% of femicides in Latin America are not punished (UN)

3892 is the number of women killed from 2012 to 2013, while 613 is the number of cases investigated in 2012 to 2013 (Observatorio Ciudadano Nacional del Femicidio)

56.7% women have experienced domestic violence (Instituto Nacional de Estadística y Geografía, INEGI)

43.2% of women have suffered violence in public spaces (Instituto Nacional de Estadística y Geografía, INEGI)

An estimated 200 femicides took place in Mexico State from January to October 2016 (Observatorio Ciudadano Nacional del Femicidio)



# Zapatos Rojos Red Shoes

*by Elina Chauvet*

Zapatos Rojos es un proyecto de arte público que toma la forma de una instalación compuesta por cientos de pares de zapatos rojos para decir basta a la violencia de género. Cada par de Zapatos Rojos donado representa una mujer muerta o desaparecida; representa su ausencia y la voluntad de la ciudadanía para eliminar la violencia de género.

Zapatos Rojos tiene sus inicios en Cd. Juárez, Chihuahua, México, 2009. En ésta ciudad se acuña el término feminicidio, mismo que define el asesinato de una mujer por el solo hecho de serlo. Zapatos Rojos denuncia el asesinato sostenido de mujeres en Cd. Juárez desde la década de los noventas y su marcha en busca de solidaridad a tocado varias ciudades de Europa, Latinoamérica, México, USA y Canada.

Red Shoes is a public art project that takes the form of an installation of hundreds of pairs of red shoes to call for an end to gender violence. Each pair of Red Shoes donated represents a woman dead or missing; the shoes represent their absence and people's force to eliminate gender violence.

Red Shoes started in Cd. Juárez, Chihuahua, Mexico, on September 9, 2009. It was in this city that the term "feminicidio" was coined. Red Shoes denounces the murders of women in Cd. Juárez since the 1990s. This movement in search of solidarity has touched down in several cities in Europe, Latin America, Mexico, the United States and Canada.

[www.elinachauvet.com](http://www.elinachauvet.com)





# PART IV

## Good Examples of Data Collection from Around the World

“Based on the data available, over 70% of women experience physical, psychological or sexual abuse in their life time. It is a cross-cutting issue that plagues all countries, societies and religions.”

*International Council of Women,  
November 2016*

# Minnesota's Femicide Report

by Safia Khan and Becky Smith

The Minnesota Coalition for Battered Women (MCBW) is a statewide non-profit organization comprised of domestic violence programs which serve survivors and their children.

On January 31, 2017, MCBW released its 2016 Femicide Report. The Femicide Report documents homicides in which the known or suspected perpetrator is a current or former intimate partner or the homicide is the result of domestic violence between current or former intimate partners. MCBW's Femicide Report is one of the longest running reports of its kind; it was first released in 1989.

## Which homicides are documented in the report?

The report has always recorded the deaths of women killed by current or former boyfriends and husbands. Over time, the report has evolved in terms of the types of deaths included in the report. The current report has expanded to include anyone killed due to domestic violence between current or former intimate partners. This includes the homicides between lesbian, gay, bisexual, and/or transgender current and former intimate partners, as well as cases of men killed by their current and former intimate partners. The report also documents the deaths of other family members, friends, neighbors, interveners, and/or bystanders who are killed due to domestic violence between current or former intimate partners.

Since 1993, the report has included those killed as a result of being used in prostitution or sex trafficking. These deaths are included because MCBW recognizes forced prostitution and sex trafficking as a system of violence against women and children. These numbers were tracked separately for several years but are now annotated in the general count.

While there has been some fluctuation over the years, MCBW is working to maintain consistent parameters regarding types of death included in the Femicide Report. Currently, we assess which homicides are included in our report by considering the following factors:

- The homicide victim and perpetrator were current or former intimate partners, including dating partners; or

- The homicide victim was someone present during, or intervened in, an intimate partner violence incident including friends, family members, new intimate partners, law enforcement officers or other professionals attempting to assist a victim of intimate partner violence; or
- Children who are killed by a parent's current or former intimate partner where there is sufficient public information that the perpetrator killed the child as an act of abuse against the parent; or
- The perpetrator killed the homicide victim due to perceived or actual rejection of romantic interest; or
- Homicides of sex workers, victims of sex trafficking, prostitution, and exploitation.

And,

- If the homicide happened in Minnesota, if the body of the victim was found in Minnesota, or if the body was found in a nearby state but the circumstances surrounding the homicide began in Minnesota.

Why do we limit our definition? While all homicides are tragic and there are many similarities, MCBW has expertise in intimate partner abuse. We hope that by limiting this report to the intimate partner definition and looking at those deaths in light of the research conducted regarding lethality and risk factors for that specific population, we may find information to help improve our work to end intimate partner violence.

MCBW only measures those killed in Minnesota. Sometimes a person from Minnesota is temporarily residing in another state and is killed while living there. That person would not be included in our count. Conversely, someone from Illinois or Wisconsin or New Jersey may be visiting Minnesota and be killed by their intimate partner while in Minnesota. We do include that homicide in our count. The reason we make this distinction is twofold. First, we do not have the capacity

to monitor the homicides that occur in other states. Second, we gather the Femicide Report information in part to look at what we can do here in Minnesota to improve our work on domestic violence issues. In recent years, we have also included cases where the victim's body is found in Minnesota or where we have reason to believe the homicide occurred in Minnesota, even if the body was found in a different state.

### **Data Collection for the Report: Method and Limitations**

How we collect data for our Femicide Report has evolved significantly. Back when MCBW first started collecting this information, our sources of information were heavily limited to print media, and conversations with domestic violence advocates working in local communities. While we still rely solely on public data to gather information about femicides in Minnesota, the amount of public data available to us has drastically changed. Technology has allowed for a centralized court records system that we can access to gain information about criminal and civil histories of both the perpetrators and victims. Social media also often gives us an insight into the lives of the victims, what their family and friends have to say, and has served as a connection with loved ones of those killed. We have media search results that are tracked daily and delivered to our inboxes. Despite the wealth of data available, we still struggle with inconsistent and incomplete information due to discrepancies in the way information is collected and shared by various agencies across the state.

No state or federal agency collects comprehensive data on domestic violence homicides and we must use the phrase "at least" when describing the number of people killed each year because we cannot be certain we have recorded all domestic violence homicides. Almost every year there are deaths of women considered to be suspicious yet, for a variety of reasons, the cases are not resolved. In addition, the murders of women and children of color, Native and Indigenous people, immigrant and refugee women and children, those living in poverty, people with disabilities, rural women, lesbian/gay/bisexual/ transgender people, and those exploited in prostitution and sex trafficking may be underreported in our listing as their deaths frequently go unreported in mainstream media.

While we record all homicides that are a result of domestic violence between current or former intimate partners, we provide yearly comparison information on a series of factors exclusively concerning murdered women. We limit this analysis to women killed by intimate partners because we are limited to the research done on risk and lethality factors for women in abusive relationships. It may be that men face the same risk and lethality factors in abusive relationships, but to our knowledge, that research has not been done.

MCBW's Femicide Report is not a research document and MCBW is not a research agency. We gather this information to bear witness to those killed, to raise public awareness of domestic violence, and to help inform our work. What we know from gathering information for the 2016 Femicide Report, as in years past, is this: the victims in our report lived full lives with the same hopes, aspirations, and expectations of safety shared by each of us. The 2016 victims of domestic violence homicide ranged in age from 10 to 85 years old and belonged to many different communities across Minnesota. Some of these victims stayed with their abusers, and many attempted to leave. Those who were killed include women, children, and a bystander. In some cases, minor children were present at the time of the homicide; in one, the children begged for their lives after watching their mother shot dead. In another, a 12 year old boy held his 2 year old sister and ran to safety as his mother was murdered. Police were called in some cases and not in others, but criminal justice system interventions were inadequate, failing to achieve safety for these victims. Many opportunities for intervention with the abusers were missed, multiple red flags for batterer lethality were ignored.

When the circumstances surrounding the 2016 domestic violence murders are so strikingly similar to those documented in reports from over a decade ago, we know that we must continue to pursue drastic changes in our systems and our communities to holistically address the needs of domestic violence victims. Year after year, we share the Femicide Report in hopes that the force of these tragedies will propel our communities to vow: no more.

# Violence Against Women in the Home: What do Statistics in Kazakhstan Tell Us?

*by Ainur Dossanova*

*Chief expert, Department of social and demographic statistics, Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan*

Violence against women in all its forms and manifestations is a violation of human rights and fundamental freedoms. According to recent estimates, globally, about 30 per cent of women aged 15 and older have experienced physical and/or sexual violence by an intimate partner in their lifetimes (Devries et al., 2013).

Globally, intimate partner violence has become the leading cause of death for women (Stöckl et al., 2013), and has a negative impact on their health (WHO, 2014a). Global practice indicates that violence undermines development at various levels, which leads to the devaluation of physical, human and social capital (Garcia-Moreno et al., 2005).

Kazakhstan, like many other UN member states, has acceded to nearly all the major international instruments related to ensuring gender equality, including the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals, where one of the targets of Goal 5 is to 'eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation' (Goal 5.5.2).

Kazakhstan has adopted a number of important strategic and legislative documents that are supportive of achieving gender equality in the country, including measures to eliminate violence against women and girls. At the same time, the implementation of the above-mentioned acts of law occasionally exposes imperfections and weaknesses, which are being addressed by introducing amendments and additions to the laws and other state plans and strategies.

Currently, under the auspices of the National Commission for Women Affairs, Family and Demographic Policy under the President of Kazakhstan and the Prosecutor General's Office of Kazakhstan, active work to prevent and counter domestic violence is underway under the Kazakhstan Without Violence project, which has brought together all relevant state bodies, and non-governmental and international organisations.

As a result, a set of measures to counter violence has been developed, and inter-agency cooperation and monitoring the effectiveness of said measures have been strengthened. Most importantly however, it has been proposed to develop new legislation on domestic violence prevention. Taking into account the need for monitoring and regular data updates in the context of combating violence against women, it should be noted that each state is obliged to ensure regular collection and dissemination of the official statistics.

Since 2009, after the Prevention of Domestic Violence Law was adopted, Kazakhstan's Ministry of Internal Affairs has been collecting administrative data on incidents of domestic violence reported by women, and on the relevant measures applied by the state.

Appropriate steps to implement statistical indicators on violence against women have been taken by the Statistics Committee under the Ministry of National Economy of the Republic of Kazakhstan (the Statistics Committee) since 2007, in the framework of a joint project with UNECE and the World Bank to increase gender-sensitivity of the statistical system.

One of the main goals of this project was the mainstreaming of indicators on violence against women into national statistical practices. Subsequently, two ways were identified: conducting a specialised survey, or including an additional module in the existing statistical surveys.

In 2015, the Statistics Committee conducted a sample survey on violence against women. Its main purpose was to obtain reliable data to assess both the prevalence of different types of violence against women, and potential

consequences of violence for health and socio-economic well-being of women subjected to violence.

The sample size of the survey was 0.3 per cent of the population, or 15 040 households. Over 14,000 women aged 18 to 75 from all regions of the country were interviewed during the field work.

Interviewers play a critical role in surveys as the quality of primary information depends on them. Therefore the Committee, following the recommendations of international experts, paid considerable attention to the training the field staff, which resulted in a high response rate of 95.3 per cent.

The purpose of this training was to equip supervisors and interviewers with skills for conducting field work in accordance with the UN standards and methodology, which must be followed during surveys on violence against women. Said standards and methodology are set out in a United Nations Statistics Division’s manual on conducting sample surveys on domestic violence.

During the training, the participants’ attention was also drawn to the issue of violence, its types and forms that occur in the Kazakh society, familiarity with the existing legislation and measures for the protection of women. The training also included an in-depth analysis of the contents of the questionnaire, which was followed by conducting real-life interviews to apply the newly gained skills. Special time was made for the selection of an appropriate woman in the household, to ensure she meets the survey’s requirements.

The training of the field staff was divided into two stages: during the first stage, supervisors and staff of the central office of the Statistics Committee participated in a seminar in the framework of the KAZSTAT project, with the participation of Dr. Henrietta Jansen.

During the second stage, thanks to the support of UN Women, all regional interviewers’ teams underwent ‘cluster training’. Supervisors acted as trainers to their field teams, and the staff of the Statistics Committee

under the Ministry of National Economy of the Republic of Kazakhstan monitored the quality of the training.

Observing ethical principles, ensuring interviewers’ safety, and support to the field staff are also important for qualitative data collection, taking into account the nature of this survey and sensitivity of the issues.

The Committee, in addition to the quantitative survey, conducted qualitative research to study the awareness and stereotypes about violence against women, and their impact on the effectiveness of measures taken to counter domestic violence.

The qualitative study included 12 focus groups and 27 in-depth interviews with government officials, service providers (NGOs and crisis centres for victims of violence), and victims and perpetrators of violence.

In addition to focus groups and in-depth interviews, the Committee, with the support of its long-standing partner, UN Women, launched a best life story contest for the interviewers. In each region, winners were awarded memorable prizes from UN Women. Many different stories were told, ranging from tragic to happy.

The Committee has now finalised the survey results, and they have been analysed with the support of international and national experts engaged by the United Nations Population Fund (UNFPA) and WHO.

Main indicators on the prevalence of violence against women by intimate partners: occurring both in the women’s life time and within the past 12 months prior to the interview.

More than one in five women, who have ever had a partner, has experienced psychological violence by an intimate partner in their lifetime, and 7% in the last 12 months. The current level of physical and/or sexual intimate partner violence is highest in lower age groups: women aged 18-39 are at higher risk of intimate partner violence.

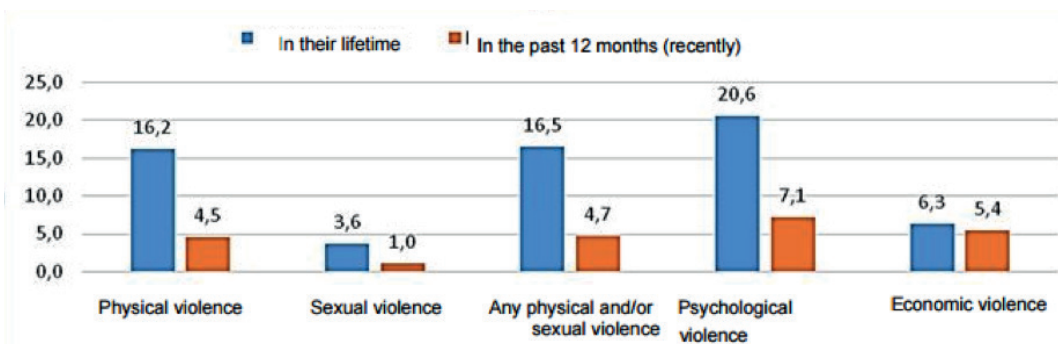


Figure 1. Prevalence of intimate partner violence both in a lifetime and recently, among women aged 18-75 who have ever had a partner, by type of violence and timeframe



Women who have experienced physical intimate partner violence tend to report it more often. Reported acts of violence include kicking, strangulation, burns or threats to use a weapon.

The survey found that intimate partner violence carries serious consequences for the health and well-being of women. Two out of three women who have experienced physical and/or sexual intimate partner violence have reported physical injuries as a result of their partners' acts of violence.

It should be noted that the figures obtained in this survey serve as an evidence base for the implementation of the CEDAW Committee recommendations on the provision of data on violence against women, and will fill data gaps in SDG No. 5.

On November 29, 2016, the Statistics Committee in cooperation with UN Women, UNFPA and WHO organized a special event in the framework of the nationwide campaign 16 Days Without Violence to discuss the results of this survey with the participation of politicians, civil society and international organizations.

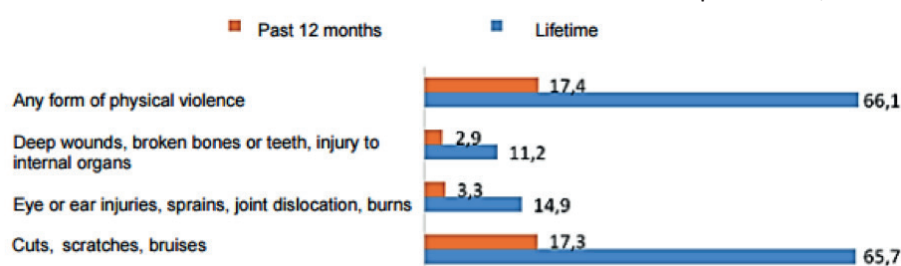


Figure 2. Share of women subjected to various forms of physical injury following physical and/or sexual intimate partner violence.

Women who have experienced intimate partner violence were additionally asked whether they ever sought help due to the violent behaviour of their partners. About a half (51%) of women reported that they never told anyone about violence suffered at the hands of their partner. In other words, the interviewer was the first person ever told about the respondents' experience of violence.

If the women did tell someone about the violent behaviour of their partner, in most cases it was family and friends. Only a few women told the authorities - the police in particular, medical workers or local leaders. In addition to questions about the intimate partner violence, respondents were also asked about their potential experience of violence from the age of 15 by non-partners.

Perpetrators of physical violence (non-partners) were, in most cases, unknown to the victim (22%). Other perpetrators included acquaintances and male friends (15%), and father or stepfather (12%). In more than half (52%) of cases of sexual violence by non-partners, the perpetrators were acquaintances or male friends, and in a quarter (25%) of cases - a stranger. Among the perpetrators were also male colleagues (13%).

Similar patterns could be seen in reports of attempted rape or other type of sexual violence. More than half (55%) of women reported sexual violence against them by a male friend or acquaintance, a quarter (23%) - by a stranger, and 10% - by a male colleague.

# The Femicide Census: Redefining an Isolated Incident

*by Deirdre Brennan with Hilary Fisher, both from Women's Aid  
and Karen Ingala Smith of Nia*

Below is an extract of the executive summary and an introduction to "The Femicide Census: Redefining an Isolated Incident", written by one of the authors, Karen Ingala Smith. A full copy of the report can be found at [www.femicidecensus.org.uk](http://www.femicidecensus.org.uk)

## **An Introduction to The Femicide Census by Karen Ingala Smith**

At the beginning of January 2012, a young woman was killed in London by the boyfriend she was trying to leave. A few weeks before her murder, she had been referred to the organisation where I work. In an attempt to find out more about the circumstances of her murder I took to the internet searching for more information. I found eight women dead at the hands of men in the first three days of the year: three women, aged 47, 44 and 24, had been shot by one man; one woman, aged 38, suffered a broken jaw and ribs before – as described by the partner who killed her – being 'finished off' by heavy blows to her neck; a 20-year-old woman had been stabbed 29 times; a 39-year-old woman had been strangled with a dog lead; a woman aged 77, before being stabbed to death in the head and neck, was beaten her so hard with her own walking stick that the wood splintered, by a 48 year-old, 6 foot 4, intruder in to her home; and an 87-year old woman beaten to death by her own grandson. I began to keep a list of their names, initially to help me count, and once I'd started, it never felt right to stop. Stopping recording their names felt like saying that the death of the next women wasn't worth recording.

I began to collate the names of women killed by men and announce them every month using the social media platform twitter and in time began a blog, that I called Counting Dead Women. I became increasingly frustrated with statistics that seemed too impersonal, too easy to dismiss and which never revealed the full extent of men's fatal violence against women, focusing on intimate partner homicides, which whilst describing the majority of cases of femicide, ignores the women killed by their sons, by predatory rapists, by men who sought out prostituted women and burglars and intruders. Statistics that never came close to expressing the terror that almost every woman must have felt as she was killed, or

the brutality of the violence that she endured in her life, of the grind and fear of life under coercive control.

Of course each woman killed was an individual, as is the man who kills her, and the exact circumstances of each woman's death will never be identical to those of other women killed. Each woman had her own hopes for the future, things that brought her joy, friends and family who enjoyed her company and who were left devastated by her death. Counting Dead Women was my way of trying to commemorate each woman, and at the same time, to say that the death of no woman killed by a man in a patriarchal society was an isolated incident. There are differences and inequalities resulting from class, race, age, disability, sexuality and more between women and in some cases these result in different experiences of men's violence. There are connections running through all forms of men's violence against women: inequality between women and men, the hierarchy that is socially constructed gender, the objectification and commodification of women, and justice systems developed by men to protect men's interests, all create a conducive context for men's violence against women, which in turn reproduces and maintains inequality between the sexes. We cannot look away from these connections if we want to understand and end men's violence against women.

The Femicide Census builds upon the work that I'd begun with Counting Dead Women. It was developed by Women's Aid (Federation England) and me working in partnership, with support from Freshfields Bruckhaus Deringer LLP and Deloitte LLP.

## **Executive Summary**

The Femicide Census is a database currently containing information on almost one thousand women killed by men in England and Wales since 2009. The data

on all cases is not yet complete, and thus the report summarises the early findings on cases of femicide between 2009 and 2015, involving a total of 936 women. Where possible, the census has captured a wide range of information about each case including: (i) the name of the woman and her killer, and their age, occupation and health status; (ii) the incident and date of the killing itself; (iii) details of the relevant police force area, the

weapon and recorded motive; and (iv) other available details on children, ethnicity and country of birth. The census aims to provide a clearer picture of men's fatal violence against women, committed by partners, ex-partners, male relatives, acquaintances, colleagues and strangers.

## **Feminicidio en España: Datos disponibles, oportunidades y retos**      **Femicide in Spain: Data availability, opportunities and challenges**

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La inclusión del concepto de feminicidio en la agenda pública española es relativamente reciente como demuestra su reciente inclusión como término en el diccionario de la Real Academia de la Lengua Española<sup>1</sup>. Aunque los organismos internacionales incluyen bajo este término crímenes que forman parte de la realidad española, como los asesinatos relacionados la explotación sexual y tráfico de mujeres y niñas<sup>2</sup>; hasta la fecha los asesinatos de mujeres a manos de sus parejas o ex parejas son el tipo de feminicidio que mayor atención política y social ha recibido en España.

Desde finales de 2004, en España, se cuenta con La Ley Orgánica 1/2004 de Medidas de Protección Integral contra la Violencia de Género, que plantea medidas de prevención, protección y sanción contra la violencia, que, como manifestación de la discriminación, la situación de desigualdad y las relaciones de poder de los hombres sobre las mujeres, se ejerce sobre éstas por parte de quienes sean o hayan sido sus cónyuges o de quienes

The inclusion of the concept of femicide in the Spanish public health agenda is relatively new, as shown by its recent inclusion in the dictionary of the Royal Academy of the Spanish Language<sup>1</sup>. Although international organizations include crimes that are a reality in Spain under this term, including homicides related to sexual exploitation and the trafficking of women and girls<sup>2</sup>; up until now the homicide of women at the hands of their partners or ex-partners is the type of femicide that has received the most political and social attention in Spain.

Implemented in 2004, Spain's Organic Law 1/2004 on Integral Protection Against Gender Violence sets out means for prevention, protection and sanctions against violence of men against women. Such violence

<sup>1</sup> Diccionario de la Real Academia de la Lengua Española. 23a Edition. Available at: <http://dle.rae.es/?id=Hjt6Vqr>

<sup>2</sup> Femicide: A Global Issue that Demands Action. Edited by: Claire Laurent, Michael Plater and Maria Idomir. Published by the Academic Council on the United Nations System Vienna Liaison Office. 2013. pp: 55-84

estén o hayan estado ligados a ellas por relaciones similares de afectividad, aun sin convivencia<sup>3</sup>. En el texto, no se hace alusión explícita a los feminicidios ni tampoco a los asesinatos de las mujeres como consecuencia de distintas situaciones de abuso y violencia de género. Tampoco hasta el momento se cuenta con un plan u otro tipo de política en la que se haga referencia explícita a la prevención y abordaje de los feminicidios. Su visibilidad como problema social y de salud pública se limita actualmente a los casos publicados en los medios de comunicación españoles, las reivindicaciones de algunas asociaciones de mujeres, las estadísticas que dichas asociaciones han creado, así como a las estadísticas publicadas por la administración pública sobre los feminicidios de pareja.

En este documento, se realiza una descripción de las principales fuentes de información disponibles sobre feminicidio en España; la evolución de los casos ocurridos en los últimos diez años y sus principales factores asociados; y, una serie de estrategias de mejora de los registros disponibles en España acordado por un grupo de expertas en el contexto de un estudio más amplio sobre recomendaciones para el desarrollo de registros de feminicidios en Europa<sup>4</sup>.

## Fuentes de información

En España la Delegación de Gobierno para la Violencia de Género –Ministerio de Sanidad, Servicios Sociales e Igualdad-, desde el año 2003, publica informes y fichas estadísticas de las mujeres asesinada por violencia de género, en los términos de la Ley Integral 1/2004, esto es, mujeres asesinadas por su pareja o expareja. Los datos recopilados durante el periodo 2003-2005 proceden de los medios de comunicación. A partir del 2005 los datos proceden de las Fuerza y Cuerpos de Seguridad del Estado o Policías Autonómicas y se complementan con información proporcionada por los órganos jurisdiccionales y la Fiscalía. Las estadísticas proporcionan información sobre características sociodemográficas de las víctimas. Recientemente se ha puesto a disposición de los ciudadanos un portal estadístico que facilita el acceso a la información, si bien el acceso a los datos

is a manifestation of discrimination and the situation of inequality of power relations between women and the men who are (or have been) their intimate partners or who have been linked to them through affective relationships, even without cohabitation<sup>3</sup>. In the law's text, there is neither explicit mention of femicides nor the homicide of women as a consequence of different situations of abuse and gender violence. Nor, is there a current plan or policy that explicitly mentions prevention or otherwise addresses femicide. The visibility of femicide as a social and public health problem is currently limited to cases published in the Spanish media, the claims of some women's associations, and the statistics published by such associations, such as those published by the public administration on femicides due to intimate partner violence.

This document presents a description of the principal sources of available information on femicide in Spain; the evolution of cases that have occurred within the past ten years and the principal associated factors; and a series of strategies for improving available Spanish registries, agreed to by a group of experts in the context of a larger study of recommendations for the development of femicide registries in Europe<sup>4</sup>.

## Sources of information

Since 2003 the Government Delegation for Gender Violence- of the Ministry of Health, Social Services and Equality- in Spain has published public information and statistics on women killed by gender violence in the terms set out by Integral Law 1/2004, that is, homicides committed by their partner or ex-partner. Data compiled for the period 2003-2005 come from Spanish media sources. Since 2005 the data come from state law enforcement and security forces or from local police and are corroborated by information provided by the judiciary (jurisdictional bodies and agencies). The statistics provide information on the sociodemographic characteristics of the victims – age, country of birth, relationship to the aggressor, cohabitation, geographic area (autonomous community), protection measures, police complaints, status of protection orders- as well

<sup>3</sup> Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género. BOE-A-2004-21760. Available at: <https://www.boe.es/buscar/pdf/2004/BOE-A-2004-21760-consolidado.pdf>

<sup>4</sup> Vives-Cases C, Goicolea I, Hernández A, Sanz-Barbero B, Gill AK, Baldry AC, et al. (2016) Expert Opinions on Improving Femicide Data Collection across Europe: A Concept Mapping Study. PLoS ONE 11(2): e0148364 & Vives-Cases C, Goicolea I, Hernández A, Sanz-Barbero B, Gill AK, et al. (2016) Correction: Expert Opinions on Improving Femicide Data Collection across Europe: A Concept Mapping Study. PLoS ONE 11(4): e0154060.

individualizados de los asesinados no es público<sup>5</sup>.

El Instituto Nacional de Estadística recoge datos sobre mortalidad según la causa de la muerte, que pueden clasificarse por sexo y de esta forma distinguir las causas de muertes más frecuentes en hombres y mujeres<sup>6</sup>. Dichas causas son recogidas en el listado CIE (Clasificación Internacional de Enfermedades) y la que más se aproximarían al concepto de feminicidio serían: 099, agresiones (homicidio, incluye un código específico para muerte por maltrato de esposo o pareja); 100, eventos de intención no determinada; y 102, otras causas externas y sus efectos tardíos<sup>7</sup>. A su vez Instituto Nacional de Estadística, en base a la información facilitada por la Delegación de Gobierno para la Violencia de Género, publica estadísticas sobre mujeres asesinadas por su pareja o expareja<sup>8</sup>.

El Consejo General del Poder Judicial, a través del **Observatorio contra la Violencia Doméstica y de Género creado en el año 2002** recopila y analiza los datos obtenidos de las estadísticas judiciales. Esta institución pública anualmente un informe sobre las víctimas mortales de la violencia de género<sup>9</sup>. Desde el año 2014 incorpora a sus informes el término FEMINICIDIO, siendo la única entidad pública que actualmente utiliza dicho término. Desde el año 2015, tras la aprobación de la Ley Orgánica 8/2015, incluye las muertes de menores asesinados por su progenitor al ser considerados víctimas directas de la violencia de género. Otra fuente de información que sí recoge casos de feminicidio con una definición más amplia es la página web de la Federación de Asociaciones de Mujeres Separadas y Divorciadas<sup>10</sup>. La fuente de información que utilizan para recoger estos casos son las noticias publicadas en los medios de comunicación españoles. Para cada caso registrado, se recoge información sobre la fecha del suceso y medio de comunicación del que han obtenido la información, nombre y edad de la víctima, ciudad y

as characteristics of the aggressors – country of birth, age, and suicide. Recently a statistical database has been made available to citizens, which facilitates access to information, even though access to individual data on homicides is not made public<sup>5</sup>.

The National Statistics Institute collects data related to mortality by cause of death that can be classified by sex. In this way it is possible to distinguish the most frequent causes of death among men and women<sup>6</sup>. Cause of death is collected in the list of International Classifications of Diseases (ICD), in which the classifications closest to the concept of femicide include: 099 aggressions (homicide, includes a specific code for death related to abuse by a husband or partner); 100, events of undetermined intention; and 102, other external causes and late effects<sup>7</sup>. The National Statistics Institute, based on information from the Government Delegation for Gender Violence, publishes statistics on homicides of women by their partner or ex-partner<sup>8</sup>.

The General Council of the Judiciary, through the **Observatory on Domestic and Gender Violence** created in 2002, compiles and analyzes data obtained from legal statistics. This public institution produces an annual report on mortal injuries due to domestic violence<sup>9</sup>. Since 2004 the institution has used the term *femicide*, and it is the only public institution that currently uses the term. Since 2015, after the approval of Organic Law 8/2015, the deaths of minors at the hands of their parent are also considered direct victims of gender violence. Another information source that compiles cases of femicide using a broader definition is the webpage of the Federation of Associations of Separated and Divorced Women<sup>10</sup>. The sources of information used to compile cases are articles published in Spanish media. For each case registered, information is collected on the date of the event, the media outlet that obtained the information, the name

<sup>5</sup> Portal Estadístico de la Delegación del Gobierno para la Violencia de Género. [Statistical Portal of the Government Delegation for Gender Violence. Ministry of Health, Social Services and Equality of the Spanish government. Available at: <http://estadisticasviolenciagenero.msssi.gob.es/>

<sup>6</sup> Instituto Nacional de Estadística [INE]. Estadística de defunciones según la causa de muerte. Available at: [http://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica\\_C&cid=1254736176780&menu=ultiDatos&idp=12547355731752016](http://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176780&menu=ultiDatos&idp=12547355731752016)

<sup>7</sup> Organización Mundial de la Salud. Clasificación Internacional de Enfermedades 9ª revisión (CIE-9) 1977.

<sup>8</sup> Instituto Nacional de Estadística. Informe sobre víctimas mortales por violencia de género. Available at: [http://www.ine.es/ss/Satellite?L=es\\_ES&c=INESeccion\\_C&cid=1259926144037&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout](http://www.ine.es/ss/Satellite?L=es_ES&c=INESeccion_C&cid=1259926144037&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout)

<sup>9</sup> Observatorio de Violencia Doméstica y de Género del Consejo General del Poder Judicial. Informe de Violencia Doméstica. Available at: <http://www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/Actividad-del-Observatorio/Informes-de-violencia-domestica/>

<sup>10</sup> Federación de Asociaciones de Mujeres Separadas y Divorciadas. Estadísticas. Available at: <http://www.separadasydivorciadas.org/wordpress/estadisticas/#>



provincia, parentesco de la víctima con el agresor y la web de la noticia publicada.

Más recientemente, se cuenta con los informes y cifras de [femicidio.net](http://femicidio.net) referidas a España y América Latina, una iniciativa también promovida por una asociación feminista que trata de dar visibilidad a los casos que no registran las estadísticas oficiales<sup>11</sup>. De nuevo, su fuente de información son los medios de comunicación. Los informes ofrecen información clasificada por años, lugar (comunidad autónoma y provincia en la que tuvo lugar los sucesos), edad, ocupación y país de origen de las víctimas, relación con el agresor, tipo de feminicidio (íntimo y otros perpetrados por familiares, asesinato por robo, prostitución, transfóbico, entre otros), existencia o no de medidas de protección previas, algunas características disponibles de los agresores y del suceso.

### **Feminicidio por violencia de pareja. Evolución temporal y factores asociados.**

Tal y como se ha mencionado anteriormente, el feminicidio por violencia de pareja es el más visible en los registros estadísticos oficiales de España. El Portal Estadístico de la Delegación del Gobierno para la Violencia de Género del Ministerio de Sanidad, Servicios Sociales e Igualdad del Gobierno de España recoge el número de víctimas mortales por violencia de pareja o ex pareja desde el año 2003<sup>12</sup>. Con esta información y la disponible en el Instituto Nacional de Estadística sobre homicidio de mujeres (código CIE 099), se puede cuantificar que, en España, más de la mitad de los casos de homicidios de mujeres corresponden feminicidios por violencia de género. Tal y como se observa en la siguiente gráfica, en casi todos los años de la serie, el porcentaje de casos de feminicidios por violencia de pareja es cercano o superior al 50% de los casos de homicidios de mujeres registrados en las estadísticas oficiales.

Específicamente en los casos de feminicidio de pareja o ex pareja, se sabe que a lo largo del tiempo no se ha producido un cambio estadísticamente significativo en su frecuencia, ni siquiera en los años de crisis económica desde finales de 2007<sup>13</sup>. Se identifican, sin embargo,

and age of the victim, city and province, the relationship of the victim to the aggressor and the notice published. More recently, [femicidio.net](http://femicidio.net) publishes reports and statistics on femicide in Spain and Latin America; it is an initiative promoted by a feminist association that aims to give visibility to cases not included in official statistics<sup>11</sup>. Again, the information source of reference is media outlets. The reports provide information classified by year, location (autonomous community and province where the acts occurred), age, occupation and country of origin of the victims, relationship to the aggressor, type of femicide (intimate or other types perpetrated by family members, death by robbery, prostitution, transphobia, among others), existence of prior protective measures, and available characteristics of the aggressors or act of violence.

### **Femicide due to intimate partner violence: Temporal evolution and associated factors**

As mentioned previously, femicide due to intimate partner violence is the most visible type of gender violence registered officially in Spain. Since 2003, the Statistical Portal of the Government Delegation for Gender Violence of the Ministry of Health, Social Services and Equality of the Spanish government compiles the number of deaths due to violence perpetrated by a partner or ex-partner<sup>12</sup>. With this information, and that available via the National Statistics Institute on female homicide (CIE code 099), it can be shown that more than half of the cases of homicides of women are femicides due to gender violence. As observed in the following graph, in almost all of the years in the series, the number of cases of femicides due to gender violence represents close to or above 50% of the cases of homicides of women registered in official statistics.

It is known that there has not been a significant change in the frequency of cases of femicide perpetrated by a partner or ex-partner over time, not even during the years of the economic crisis at the end of the 2007<sup>13</sup>. However, it is possible to identify subgroups of women at greater risk such as immigrant women, who are five times more likely than native-born Spanish women to

<sup>11</sup> Organización Mundial de la Salud. Clasificación Internacional de Enfermedades. [World Health Organization. International Classification of Diseases] 9th Revision (ICD-9), 1977.

<sup>12</sup> Instituto Nacional de Estadística. Informe sobre víctimas mortales por violencia de género. [National Statistics Institute. Report on mortality due to gender violence]. Available at: [http://www.ine.es/ss/Satellite?L=es\\_ES&c=INESeccion\\_C&cid=1259926144037&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout](http://www.ine.es/ss/Satellite?L=es_ES&c=INESeccion_C&cid=1259926144037&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout).

<sup>13</sup> Torrubiano-Domínguez, J., Vives-Cases, C., San-Sebastián, M., Sanz-Barbero, B., Goicolea, I., & Álvarez-Dardet, C. (2015). No effect of unemployment on intimate partner-related femicide during the financial crisis: a longitudinal ecological study in Spain. *BMC Public Health*, 15, 990.

ciertos colectivos de mujeres de especial riesgo como las mujeres inmigrantes, que registran un riesgo cinco veces mayor que las nacidas en España de ser asesinadas a manos de sus parejas<sup>14</sup>. De todas las mujeres asesinadas en 2010 y 2011 a manos de sus parejas, el 27,4% habían interpuesto previamente al menos una denuncia y el 54% de estas víctimas que habían denunciado su situación tenían vigente dicha medida en el momento de la muerte. La mayoría de los casos con denuncias previas fueron catalogados de riesgo medio (23,1%) o bajo (34,6%) según el protocolo policial de riesgo aplicado. Se descartó que la interposición de denuncias redujera el riesgo de asesinato<sup>15</sup>.

### **Propuestas de mejor para la recogida de datos sobre feminicidio en España y Europa.**

Al igual que se ha logrado mejorar la visibilidad de los casos de feminicidio por violencia de pareja en España, se requieren estrategias de mejora para el desarrollo de registros específicos de ésta.

En el año 2013 el Programa de la Unión Europea redes de Cooperación Europea en Ciencia y Tecnología -COST- puso en marcha la primera acción coordinada para el estudio del feminicidio en Europa, la Acción COST IS1206 Femicide across Europe ([www.femicide.net](http://www.femicide.net)). En la estrategia participan 30 países y 78 personas expertas internacionales que analizan el feminicidio en Europa desde una perspectiva interdisciplinaria. España participa en la iniciativa y articula su participación a través de un grupo de profesionales del campo de la Sociología, la Antropología, la Psicología, el Trabajo Social y la Salud Pública<sup>16</sup>. En el marco de esta Acción en 2015, se llevó a cabo un estudio con expertas de distintos países europeos pertenecientes a the EU-Cost-Action on femicide<sup>17</sup> con el objetivo de consensuar una serie de propuestas sobre estrategias para el desarrollo de estadísticas de feminicidio en sus propios países<sup>18</sup>.

suffer femicide at the hands of their partners<sup>14</sup>. Of all of women mortally injured by their partners in 2010 and 2011, 27.4% had filed at least one prior complaint, and 54% of these victims that had filed a complaint had an active complaint at the time of their death. The majority of cases with prior complaints were classified to be of medium (23.1%) or low level risk (34.6%) according to the policy protocol applied. The theory that filing a complaint would reduce risk of death was discarded<sup>15</sup>.

### **Strategies for improving data collection on femicide in Spain and across Europe**

In the same way that greater visibility of cases of femicide due to intimate partner violence in Spain has improved, strategies are required to improve the registry of collection of data on the topic. In 2013 the European Cooperation in Science and Technology (COST) Program put into place the first coordination action on the study of femicide in Europe; COST Action IS1206 Femicide Across Europe ([www.femicide.net](http://www.femicide.net)). Thirty countries and 78 international experts participated and analyzed femicide across Europe from an interdisciplinary perspective. Spain participates in the action and articulates participation through a group of professionals from the fields of sociology, anthropology, psychology and social work and public health<sup>16</sup>. In the framework of the action, in 2015, a study was carried out with experts of different European countries of the EU Cost Action on femicide<sup>17</sup> with the objective of generating consensus on a series of strategy proposals for the development of statistics on femicide in European countries<sup>18</sup>.

Although the strategy proposals were obviously the result of consensus of all 25 participating experts, the identification of the priorities described for action described here by the four Spanish experts permits a first approach at key aspects to be improved. They can be summarized as:

<sup>14</sup> C. Vives-Cases, C. Alvarez-Dardet, J. Torrubiano-Domínguez. Mortality due to intimate partner violence in foreign women living in Spain (1999-2006). *Gac Sanit.*, 22 (2008), pp. 232-235.

<sup>15</sup> Femicidio.net. Informes y cifras. [Femicidio.net. Reports and statistics.] Available at: <http://www.femicidio.net/menu-femicidio-informes-y-cifras>

<sup>16</sup> Sanz-Barbero, B., Otero-García, L., Boira, S., Marcuello, C., Vives Cases, C. Acción COST Femicide Across Europe, un espacio de cooperación transnacional para el estudio y el abordaje del feminicidio en Europa [Femicide Across Europe COST Action, a transnational cooperation network for the study of and approach to femicide in Europe]. *Gac Sanit.* 2016 Sep-Oct;30(5):393-6.

<sup>17</sup> Cost European Cooperation in Science and Technology. Femicide Across Europe. Cost Action IS-1206: Cost. Available from: <http://www.femicide.net/>

<sup>18</sup> Vives-Cases C, Goicolea I, Hernández A, Sanz-Barbero B, Gill AK, Baldry AC, et al. (2016) Expert Opinions on Improving Femicide Data Collection across Europe: A Concept Mapping Study. *PLoS ONE* 11(2): e0148364 & Vives-Cases C, Goicolea I, Hernández A, Sanz-Barbero B, Gill AK, et al. (2016) Correction: Expert Opinions on Improving Femicide Data Collection across Europe: A Concept Mapping Study. *PLOS ONE* 11(4): e0154060.

Aunque las estrategias propuestas fueron obviamente fruto del consenso de todas las 25 expertas participantes, la identificación de dichas prioridades de acción desde el punto de vista de las expertas españolas permite una primera valoración de cuáles serían los aspectos claves en los que cabrían mejoras, que pueden resumirse en: 1) mejorar la información que se recoge sobre cada caso de feminicidio que se produce en España; 2) mayor voluntad política con el reconocimiento del feminicidio en su más amplio significado como delito 3) apoyo económico para el desarrollo y el mantenimiento en el tiempo de un registro específico que incluya los distintos tipos de feminicidio; y, 3) mayor concienciación social con el apoyo de los medios de comunicación.

### **Conclusiones**

Hasta la fecha, el concepto de feminicidio barajado en la investigación y las políticas españolas se refiere en sentido amplio a los homicidios de mujeres o más concretos, a los asesinatos perpetrados por parte de las parejas o ex parejas. Es destacable que la magnitud de feminicidios por violencia de pareja o ex pareja que se producen anualmente en España, que constituyen la mitad o más del total homicidios registrados. Sobre este tipo de feminicidio perpetrado en un contexto de violencia de pareja, cabe destacar la situación de vulnerabilidad de las mujeres inmigrantes frente a las nacidas en España. Es preocupante que actualmente en España la denuncia no reduce el riesgo de feminicidio. Se necesita disponer de medidas y de partidas económicas que permitan proteger de forma eficaz a las mujeres que solicitan ayuda. La construcción social del feminicidio con todas sus formas de manifestarse requiere de estrategias de mejora en España, entre las que destacan mejorar la información que se recoge en las estadísticas sobre cada suceso; contar con apoyo político para poder desarrollar un registro específico del tema en España y hacer mención explícita del feminicidio como delito en el código penal; e incrementar la concienciación social sobre el problema

- 1) Improvement of the information collected on each case of femicide that occurs in Spain.
- 2) Greater political will in the recognition of femicide in its broadest definition as a crime.
- 3) Economic support for the development and maintenance over time of a specific registry that includes different types of femicide; and
- 4) Greater social awareness with the support of the media.

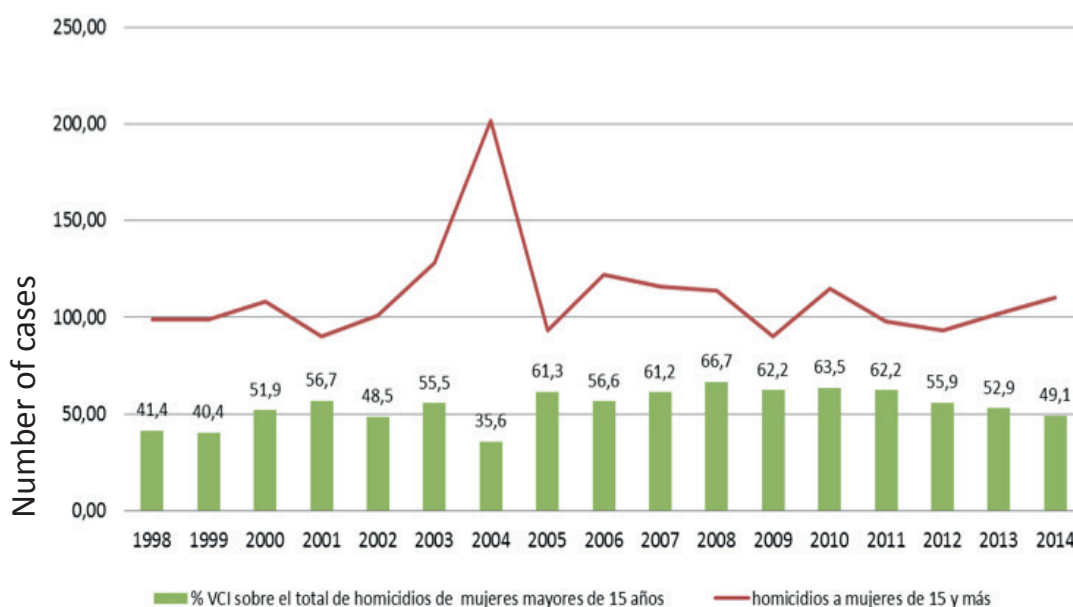
### **Conclusions**

Up until now, the concept of femicide used in research and in Spanish policy refers widely to homicides of women, or more concretely, to homicides perpetrated by their partners or ex-partners. It is important to note the magnitude of femicides perpetrated by a partner or ex-partner that occur in Spain, representing half or more of the total number of homicides registered. In terms of the femicide perpetrated in the context of intimate partner violence, immigrant women are particularly vulnerable compared to women born in Spain. It is worrisome that filing formal policy complaints does not currently reduce the risk of femicide in Spain. Measures and economic support are needed which effectively protect women who ask for help. The social construction of femicide in all its forms requires strategies in Spain, especially those that seek to improve the information collected on the statistics of each case, greater political support for the development of a specific registry in Spain, the explicit mention of femicide as a crime in the penal code, and an increase in the social awareness about the problem with the help of the media. The definition of femicide in general, but also that related to intimate partner violence, should be considered more broadly and should also include those femicides currently invisible such as those that occur in informal partner relationships- dating

con ayuda de los medios de comunicación. La definición de feminicidio en general, pero también el feminicidio de pareja debe ser considerada de forma más amplia e inclusiva e incluir bajo este término feminicidios actualmente invisibilizados como el que ocurre en relaciones informales de pareja –dating violencia-. Actualmente, jóvenes y adolescentes emergen como un grupo de especial vulnerabilidad a la violencia de pareja contra la mujer. Si bien es una violencia que en edades tempranas generalmente no produce feminicidio, es necesario prevenir la violencia desde edades tempranas de la vida para conseguir una reducción del feminicidio en la edad adulta.

violence. Currently, young people and adolescents make up a group that is especially vulnerable to gender violence against women. Even though this type of violence does not generally produce femicide at young ages, it is necessary to prevent violence early in life in order to achieve a reduction in femicide for adult women.

Figure 1.- Mujeres asesinadas en España 1998-2014



Fuentes: Portal Estadístico de la Delegación del Gobierno para la Violencia de Género. Ministerio de Sanidad, Servicios Sociales e Igualdad del Gobierno de España & Instituto Nacional de Estadística. Estadística de defunciones según la causa de muerte.

Sources: Statistical Portal of the Government Delegation for Gender Violence. Ministry of Health, Social Services and Equality of the Spanish government & National Statistics Institute. Mortality statistics by cause of death.

# PART V

## Further Reading

“Women’s rights are human rights – and attacks on women are attacks on all of us. This is why we have to respond together.”

*Antonio Guterres, UN Secretary-General, March 2017*



# Building an information exchange platform of good practices to prevent and eradicate femicide: The Femicide Watch Platform

*by Andrada Filip, ACUNS Vienna Femicide Team, and Dr. Henrike Landré, Co-Chair of the UN Studies Association*

## **Femicide – an issue that lacks attention, data and concerted action**

The UN, and in particular the Special Rapporteur on Violence against Women, its causes and consequences, consider it unacceptable that more than twenty years after the adoption of the Convention of Bélem do Pará, and 35 years after adoption of the CEDAW Convention, women and girls across the world continue to suffer in high numbers extreme forms of psychological, physical and sexual violence, and femicide. The UN Office on Drugs and Crime (UNODC) provides global estimates on intimate partner homicides in its report from 2013. According to its research, it is estimated that of all the women killed in 2012 (93,000 women), 43,600 (47 per cent) were killed by their family members or intimate partners, whereas 20,000 of all male homicide victims (6 per cent) were killed by such perpetrators.<sup>1</sup>

In order to prevent such cases of femicide and other forms of violence against women, UN Special Rapporteur Dubravka Šimonovic has called for the establishment of national femicide watches or observatories on violence against women. These should collect data and analyse, with the assistance of interdisciplinary review panels, all femicide cases including court decisions in order to identify gaps in the intervention system, criminal justice and criminal procedures system, as well as risk factors to prevent and protect women and girls from those killings. She believes that such watches could be extended to other forms of violence against women, such as rape, sexual violence, early and forced marriage, and female genital mutilation. Furthermore, she plans to focus on protection orders and codes of conduct for law enforcement agents, health and social workers in the future.

## **The need for improved exchange and knowledge-sharing among stakeholders**

Along with a more recent appeal to collect good practices on data collection and prevention, the UNSR's activities reflect the overarching need for an enhanced exchange of knowledge and views among the various actors involved: policy and decision-makers, actors from the criminal justice system, civil society activists, academics and researchers, and individuals concerned with this pervasive and deeply entrenched phenomenon. In response to this need, including repeated calls for more concerted action to prevent femicide, to collect gender-disaggregated data and to exchange best practices – all aspects also mentioned in the second UNGA resolution on gender-related killing of women and girls<sup>2</sup> –, the ACUNS Vienna Femicide Team and the UN Studies Association jointly aim to create a centralized, global platform on the issue of femicide/gender-related killings of women and girls. The “Femicide Watch Platform” will amplify, integrate and complement the work of all UN entities and agencies next to that of other relevant organisations that focus on combating and preventing femicide: first and foremost, UN OHCHR and the UNSR on VAW, UNODC, UN Women, and the OSCE. In more concrete terms, the new platform will address the following blind-spots and knowledge deficits/gaps:

- The facts are disturbing, but not well known: The UNODC Global Homicide Report 2013 was already cited above, according to which one of every two women victims of homicide is killed by her intimate partner or a family member. Femicide represents the most extreme manifestation of violence against women, and it is a phenomenon that is encountered in every country.

<sup>1</sup> Global Study on Homicide (2013), United Nations Office on Drugs and Crime p. 53, [http://www.unodc.org/documents/gsh/pdfs/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf)

<sup>2</sup> A/RES/70/176, para. 14, <http://www.refworld.org/docid/5698a2044.html>

- International institutions and regional organizations are making efforts to tackle femicide and VAW, but the problem is often addressed from different angles, and their analyses and recommendations are often hidden in official documents that are not easily accessible to the general public.
- States such as Argentina, Mexico, Guatemala, Ecuador, Chile, Costa Rica, Italy, or Brazil have taken action – adopted specific laws to punish femicide, for example –, which is simply not well known.<sup>3</sup>
- Other states are eager to learn more about this extreme manifestation of VAW, i.e. femicide, which has formally been acknowledged and theorized in the last few decades. More specifically, countries seek for information about how femicide has been criminalized, existing data, experts in the field, and details of working prevention systems, including modalities how to best establish the national femicide watches sought by the Special Rapporteur.
- Lots of activists from around the world as well as researchers are concerned with the issue, but their work also remains unrecognized, particularly when it comes to the global level.

### **Goals and scope: Empowering stakeholders to take better action**

The Femicide Watch Platform’s threefold purpose can be subsumed as follows: a) awareness-building, b) provision of general key information, including available data, c) sharing of good practices. In detail, the platform:

- increases the visibility of, raises awareness and disseminates knowledge in the field of femicide on a global, comprehensive scale.
- provides direct access to selected, highly illustrative and high-quality information about femicide, as well as to experts and involved actors / practitioners.
- offers contextual and comprehensive information to policy- and decision-makers from the local to the global (UN) level, but also to all other interested actors as well as the wider public.

- increases the visibility of, integrates and better connects all experts and practitioners from international and regional organisations, government institutions, civil society and academia.

All platform content will be carefully selected (curated) to provide answers to the following pertinent questions:

1. How many women and girls are getting killed, by whom, where, and why?
2. What is currently being done about it, what actions and measures work – and why; and what needs to be done?
3. Who is concerned and who is involved in efforts to combat femicide?

Ultimately, the platform seeks to empower all stakeholders to gain a more comprehensive overview, identify gaps and blind spots, and transfer knowledge across regions, borders, and disciplines. They can learn from each other, take collective action and improve (existing) preventive measures.

In practical terms, the platform will showcase major actors’ mandates, actions and practices, research, official data and statistics as well as “landmark documents”. On top of this core information about femicide, community members can submit practices that will also be reviewed and annotated by Editorial Team with the explicit aim to provide additional context and ensure quality. In general, all platform content is expected to serve as primary models and reference points for action. Viewed from the member states’ perspective, for example, the platform could help them establish the requested national femicide watches, as currently only a few countries have taken concrete steps towards this goal. With the help of the experts and practitioners that form the online femicide community in nascendi, and by learning from the featured practices, individual states would gain a better understanding of what the envisaged national Femicide Watches might entail in practice.

The Femicide Watch Platform is a unique endeavour – no such similar project exists – because of its community- and people-focused, multi-sectoral approach, its substantive focus on femicide, and the editorial processes, backed by

<sup>3</sup> As of 2015, 16 countries from Latin America have classified the crime of femicide in their national legal frameworks, either as aggravated homicide or under the term femicide/feminicide.

the expert community, that ensure that only information from authoritative sources and the most relevant good-practice examples will be made public. It will also stand out due to its emphasis on fostering interaction and exchange of information between those involved in tackling femicide.

The project is to develop incrementally; its aim is, however, to cover the phenomenon on the global level. A prototype will be presented and launched in May 2017 on occasion of the 26th session of the UN Commission on Crime Prevention and Criminal Justice (22-26 May, 2017). This prototype offers an excellent impression of the platform's vision and the kind of information it seeks to disseminate, and serves as a nucleus for the future platform. The scope of the content, collected data and its visual presentation can be amended over time.

### **From prototype to full platform vision: Exploring the potentials step by step with partners**

The project initiators have developed a first version of the platform (the prototype) that allows the FW Editorial Team to publish 1) general information on femicide, 2) good practices, and 3) landmark documents. The Editorial Team, which is currently staffed by members of the ACUNS Vienna Femicide Team, has started to fill the prototype with initial content, by drawing on information, people and organizations that it is aware of because of its long-lasting work in this field. The prototype itself has been developed by the UNSA, based on its experience in building online knowledge/expert communities. As was mentioned above, it will be officially launched and presented on occasion of the 26th session of the UN Commission on Crime Prevention and Criminal Justice in May 2017.

The Editorial Team will continue to work with prospective key partners (UN Women; UNODC; UN OHCHR / UN Special Rapporteur on VAW; UNFPA, UNICEF, OSCE) to identify landmark documents, gather existing data, other general information as well as good practices that could be disseminated and presented on the platform. Furthermore, it will invite major players to submit their own materials.

Based on the feedback from initial users and the first experiences with running the prototype version of the platform, the project leaders aim to work towards implementing the full FW platform vision in a step-by-step approach. Pending on acquiring the necessary funds, they will successively extend or alter existing features, and add new ones. Potentials for expansion include: enhanced user interaction tools; an interactive / dynamic global map; an extensive directory of people and institutions; a directory of specialist support services; and/or an exclusive data collection component.

In the longer run, the project team aims to further grow the community, add new platform features and expand the overall knowledge-base and directories; as well as aspires to develop and run own projects, such as the analysis of global media entries. In overall terms, it will work continuously with partners and stakeholders to improve the overall utility and impact of the platform.

The prototype platform is soon available at [www.femicide-watch.org](http://www.femicide-watch.org). The project leaders are interested in hearing feedback from major partners and stakeholders, and are open for any ideas as how to ensure this project's growth.

# World Health Organisation: Femicide

## **Understanding and Addressing Violence Against Women**

*Excerpt from the World Health Organisation's Publication on Femicide in 2012*

Violence against women comprises a wide range of acts – from verbal harassment and other forms of emotional abuse, to daily physical or sexual abuse. At the far end of the spectrum is femicide: the murder of a woman (1,2). While our understanding of femicide is limited, we know that a large proportion of femicides are of women in violent relationships, and are committed by current or former partners (3).

Collecting correct data on femicide is challenging, largely because in most countries, police and medical data-collection systems that document cases of homicide often do not have the necessary information or do not report the victim–perpetrator relationship or the motives for the homicide, let alone gender-related motivations for murder (4–6). However, data on the nature and prevalence of femicide are increasing worldwide, illustrated by the following findings from the literature. Research is starting to help clarify the factors that increase women's risk of being killed, especially by intimate partners, and those associated with an increased risk that men will perpetrate femicide. Most studies relate to intimate femicide and therefore may not apply to other forms of murder, such as those in the name of 'honour'. The most widely used model for understanding any form of violence is the ecological model, which proposes that violence is influenced by factors operating at four levels: individual, family/relationship, community, and societal or structural (which relates to laws, policies and wider societal influences).

## **Strengthen surveillance and screening of femicide and intimate partner violence**

There is a need to strengthen collection and analysis of mortality data, disaggregate these data by sex and, in the case of murders, ensure documentation of the relationship between the victim and perpetrator. These data can be complemented by information from other sources (e.g. police, mortuaries, courts and medical examiners) (4). In countries where sparse evidence is available on femicide, awareness-raising and advocacy could encourage cooperation among police, medical

staff and other relevant agencies to collect and report on the victim–offender relationship and the motivation for the homicide. Steps should also be taken to develop and strengthen research methods that improve understanding of the social context of femicide, including gender inequality (4).

## **Train and sensitize health staff**

Training and sensitization of hospital and health workers, mortuary staff and medical examiners could enable personnel to improve the documentation of cases of femicide and of the circumstances surrounding them (4). Evidence based guidelines are needed, particularly in relation to categorization of victim– perpetrator relationships and information regarding abuse history (4). Moreover, there is a need to improve health-care providers' capacity to identify intimate partner violence and risk of femicide. In some settings, such as the USA, studies have shown that many women accessed health services in the year prior to being killed by their partners (27). Improving detection of severe partner violence within health systems, particularly during pregnancy, has been suggested as a means of reducing the risk of femicide (11). A number of assessment tools for detecting risks for intimate partner violence and femicide have been developed in the USA. These tools would need to be tested in other settings. One of the most well tested methods is the Danger Assessment Scale, which specifically assesses the risk that a woman who seeks health care for intimate partner violence has of being killed by her partner (28).

## **Train and sensitize police**

As with health-care providers, it would be beneficial for police and other members of the criminal justice system to receive training and sensitization to identify and document cases of femicide, including the reporting of victim– perpetrator relationships. Training for police should also include instruction related to gun removal and enforcement of gun laws in cases of family violence (3). In conjunction with child protection services, policies and training for police could facilitate identification and support of children affected by intimate partner violence and femicide (3); and laws could ensure appropriate prosecution of perpetrators (4).

## Increase prevention and intervention research

Overall, the best way to reduce femicide is by reducing intimate partner violence. Research is needed with a focus on perpetrators and potential perpetrators – for example, in relation to risk and protective factors. Studies are also needed to investigate cases of near-fatal intimate partner violence, not only to understand the needs of survivors and characteristics of perpetrators but also to shed light on the factors that may prevent femicide (3). In light of evidence that leaving a relationship may increase the risk of a woman being killed by her partner (11), intervention research should also report and examine potential harms of interventions and consider steps for mitigation.

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# Women and Gender-Based Violence: Where We Stand

## *Soroptimist International*

Soroptimist International is committed to support all actions to end all forms of violence against women. Violence endangers women and girls physically, mentally, emotionally and economically, perpetuating and reinforcing unjustifiable inequalities in all aspects of women's lives. In addition to the damage to women and girls, violence against women negatively affects families, communities and countries.

Soroptimist International urges governments to:

- Ratify and implement all international conventions and treaties which directly and indirectly address violence against women;
- Intensify efforts to prevent violence against women;
- Ensure that law enforcement has adequate resources and training to respond quickly to all incidents of violence against women with gender specific compassion, understanding and respect;
- provide timely and effective resources and appropriate support services to victims of violence, including safe shelter, access to legal services and medical and psychological treatment without cost to the woman;
- Provide special services to migrant, disabled and indigenous women who have experienced violence;
- ensure that women living as refugees are protected from violence and have access to appropriate support;
- Inform the public at large about the rights of women and sources of assistance for women who have experienced violence.

Soroptimist International supports:

- Projects that prevent violence against women and address attitudes that allow the violence to continue;
- Initiatives that ensure refuge, protection and rehabilitation for women who have experienced violence;
- Education for young people about human rights and healthy relationships.

Soroptimist International will:

- Raise awareness about violence against women in all its forms and its destructive nature on women, families, communities and countries;
- Advocate for full, meaningful, and sustainable government accountability and responsibility for protecting women and girls from acts of violence and for ensuring adequate and accessible support services, including legal services, safe housing, and mental health care;
- Act to implement international, national, and local level projects aimed at ending violence

*For more information about Soroptimist International,  
visit [www.soroptimistinternational.org](http://www.soroptimistinternational.org)*

# Good Practices on Administrative Data Collection of Violence Against Women

*European Institute for Gender Equality*

## Administrative data collection on violence against women: issues at stake and main challenges

Violence against women (VAW) is a violation of human rights. Its very nature deprives women of their ability to enjoy fundamental freedoms.

In this context, European Union institutions have committed to the development of tools to measure the extent of VAW and to increase knowledge about its consequences<sup>1</sup>. Furthermore, the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, the Directive 2011/99/EU on the European protection order, and the Istanbul Convention of the Council of Europe<sup>2</sup> require the collection of relevant data on VAW to monitor the implementation of these legal instruments in the Member States.

To make administrative data useful, researchers, policymakers and service providers must address the following gaps and challenges in the collection and analysis of administrative data:

- the need for harmonised definitions;
- the need for comparable data at EU level;
- the need to address all forms of VAW in administrative data collection;
- the need to address gaps and challenges with service-based data on VAW;

• the need to address under-reporting. Furthermore, a number of elements can improve data collection processes and systems as follows:

- comprehensive legal framework on VAW;
- political commitment to combat VAW with sufficient allocation of financial resources;
- centralised body regulating administrative data collection to enable the coordination, control and supervision of data collection on VAW and to promote the production of harmonised and comparable data;
- multi-agency structures and procedures to support the production and dissemination of more reliable and comparable data on VAW, leading to the coordination of data collection among different systems, the agreement on common definitions and standardised and systematic methodologies;
- systematic consultation with women's services and civil society organisations (CSOs) allowing direct knowledge of the main issues that should be covered by administrative data collection based on the needs of the victims.

## National systems for administrative data collection on violence against women

Administrative data collection can be used as a tool for policy formulation and evaluation and for developing effective strategies on preventing and combating VAW. The usefulness and relevance of this depends on the quality and reliability of the data collection system and the contents. For example, administrative data can be collected in order to address capacity issues: how many

women engage with public and civil society agencies and their services?

Second, administrative data systems can be used for assessing the adequacy of existing provisions. What kind of help do survivors need and what kind of assistance can agencies offer? Third, administrative data can be

<sup>1</sup> Council conclusions adopted during the Greek Presidency (2014), the Cypriot Presidency (2012) and the Spanish Presidency (2010) of the Council of the European Union, and by the European Parliament resolutions (2009, 2011 and 2014).

<sup>2</sup> Council of Europe, Convention on preventing and combating violence against women and domestic violence — Explanatory report, 2011.

used to assess the quality of victim support services. This can provide information needed to improve the adequacy and effectiveness of service provision. Also, data on service use can provide a basis for estimating the administrative cost of VAW.

The main sources for collecting data on VAW are administrative institutions that collect and deal with reported cases.

At national level, there is often a diversity of administrative organisations rather than one main national institution to regulate administrative data collection related to VAW. However, in most Member States, the responsibility lies with the government ministries and/or services, with indications specified in internal rules and/or national plans rather than in legislation.

In most cases regulations are focused on specific sectors. The lack of a centralised body regulating administrative data collection means that multiple institutions are collecting data on VAW using different definitions and methodologies.

Table 1 provides an overview of national regulatory frameworks for administrative data by Member State.

**Table 1 — National regulatory framework and main institution regulating administrative data collection on gender-based violence in EU Member States**

Country	Presence of national regulatory framework	Main institution regulating administrative data collection on gender-based violence					
		National gender-based violence strategy/action plan	Harmonised system	Government/relevant ministry	Police/prosecutor office	Statistical office	Data protection agency
AT				X	X		
BE		X		X	X		
BG				X			
CY		X		X	X		
CZ		X		X			
DE				X	X		
DK	X	X	X	X	X	X	X
EE					X		
EL		X		X			X
ES	X	X	X	X	X	X	
FI				X	X		
FR	X			X	X		
HR	X	X		X	X		
HU				X	X		
IE					X		
IT		X		X	X		
LT				X	X		
LU	X	X		X			
LV				X			
MT				X			
NL	X			X			

Country	Presence of national regulatory framework	Main institution regulating administrative data collection on gender-based violence					
		National gender-based violence strategy/action plan	Harmonised system	Government/relevant ministry	Police/prosecutor office	Statistical office	Data protection agency
PL				X	X		
PT	X			X			
RO				X	X		
SE				X		X	
SI				X	X	X	X
SK	X	X		X			
UK				X			

Update: March 2016

## National crime and criminal justice statistics

The police and justice systems in the various Member States collect better administrative data on VAW in terms of availability, quality and comparability.

However, there are significant differences in laws and legal definitions, data collection methodologies and methodologies for producing statistics, including those on VAW.

Tables 2 and 3 provide information on administrative data by different forms of violence collected by the police and justice systems.

In most Member States, both systems collect data on sexual assault and intimate partner violence (IPV); less attention is paid to other forms of violence such as sexual harassment or stalking.

In many Member States both systems are also likely to provide data on victim and perpetrator. This may include data on their relationship, data on the incident, data on the outcome of incidents and civil justice data, where applicable.

The police and/or public prosecution agencies have internal rules on data recording and data often feeds into national crime statistics.

**Table 2 — Administrative data per type of VAW: police**

Country	IPV***	Sexual assault	Sexual harassment	Stalking	Femicide/homicide
AT	X*	X	X	X	F
BE	X	X		X	F
BG	X	X			F
CY	X	X			F
CZ	X	X		X	F
DE	X	X	X		F
DK	X	X	X	X	F
EE	X	X			F
EL	X**	X			H
ES	X	X	X		H
FI	X	X	X	X	F
FR	X	X	X		F
HR	X	X	X	X	H
HU	X	X	X		F
IE	X	X	X		F
IT	X	X	X	X	F
LT	X	X	X	X	F
LU	X	X	X		F
LV	X	X	X		F
MT	X	X	X	X	F
NL	X	X		X	H
PL	X	X		X	H
PT	X				F
RO	X	X	X	X	H
SE	X	X		X	F
SI	X	X	X		F
SK	X	X		X	F
UK	X	X		X	F

Update: March 2016

\* Domestic violence only

\*\* Domestic violence only (couples not cohabitating are not included)

\*\*\* Intimate partner violence

**Table 3 — Administrative data per type of VAW: justice**

Country	IPV***	Sexual assault	Sexual harassment	Stalking	Femicide/homicide
AT		X	X	X	H
BE	X	X	X	X	H
BG		X	X		H
CY	X	X			H
CZ	X	X		X	H
DE	X	X		X	H
DK	X	X	X	X	F
EE	X	X			H
EL	X**	X			H
ES	X	X	X		H
FI		X	X		H
FR	X	X	X		H
HR	X	X	X	X	H
HU	X	X	X		F
IE	X	X	X		H
IT	X	X	X	X	H
LT	X	X	X	X	H
LU	X	X	X		H
LV	X	X	X		H
MT	X	X	X	X	F
NL	X	X		X	H
PL	X	X	X	X	F
PT	X				F
RO	X	X	X	X	H
SE	X	X		X	F
SI	X	X	X	X	H
SK	X	X		X	F
UK	X	X		X	F

Update: March 2016

\* Domestic violence only

\*\* Domestic violence only (couples not cohabitating are not included)

\*\*\* Intimate partner violence

## General criteria for good practices with regard to administrative data collection

Within the context of the European Institute for Gender Equality's (EIGE) approach to identify good practices, the following general criteria related to administrative data sources on VAW have been identified.

- A political and institutional commitment and will to collect administrative data on VAW, supported by a legal framework, a strategy, institutional mechanisms and financial resources, are in place.
- A systematic, centralised and multidimensional approach to administrative data collection on VAW, combining different sources of data, is in place.
- A systematic engagement with CSOs and specialised women's services involved in VAW in all data collection phases, including feedback to the involved institutions, is in place.
- Collaboration with the designers of administrative systems and joint work with data suppliers is in place.
- A quality assessment and improvement of data and statistics through systematic monitoring and evaluation is in place.
- Data collection systems are rooted in and reflect the context under which each administrative organisation created its own administrative system.
- Definitions of different forms of VAW are harmonised with international/common definitions.
- There is an integration of data and information on the different forms of VAW.
- Data collected is reported both internally and externally, where appropriate.
- Data are made visible to increase awareness of VAW in the society and to feed policymaking.

## Specific criteria for good practices with regard to crime and criminal justice

Specific criteria on crime and criminal justice statistics include administrative data from the police and justice systems on the following specific forms of violence: IPV, femicide, rape and sexual assault.

- The integration of data and information on VAW survivors and perpetrators and the relationship between them is present.
- The harmonisation of the definitions of different forms of VAW, on the basis of the International Classification of Crime for Statistical Purposes, is present.
- The integration of data and information on VAW from different sources to ensure comparability is considered.
- Ethics and confidentiality are carefully considered.
- An intra/intersectorial approach to data collection on VAW is present.
- The improvement of the quality and typology of data collection on VAW is taken into consideration.

## Examples of good practices on administrative data collection on violence against women in criminal statistics

### Finnish Homicide Monitor (Finland)

The Finnish homicide monitoring system was established in 2002 and since then is updated on an ongoing basis by the Finnish Institute of Criminology and Legal Policy. This is mandatory and all police investigating officers have to fill it in.

It is also used to inform policy formulation by all the relevant institutional subjects (National Police Board and Police College Research Unit and Ministries).

The Finnish Homicide Monitor (FHM) uses victim-based data architecture. Each row in the data matrix corresponds to one homicide victim and for each case an offender is identified by the police. This allows in-depth information on the victim and the perpetrator to be detected, including the relationship between victim and offender, demographic data, prior criminal record of the perpetrator, motive and information on warning signs. It adopts a standard electronic form for collecting data which is regularly published providing a high-quality source of data on femicide.

FHM was used as a basis for the European Homicide Monitor.

### Police-reported cases of VAW (Denmark)

The Danish police collect nationwide comprehensive data on all police-related offences. The structure of the Danish national registers ensures access to nationwide and comprehensive data on VAW, including police-reported cases as well as hospital visits due to violence.

Each case recorded has a unique case number with reference to a penal code and linked to a personal ID number. This allows information to be drawn from other national registries (demographic and socioeconomic data) and to identify if different and several offences have been repeated.



### **Interministerial mission for women's protection against violence and for the fight against human trafficking (France)**

The Interministerial Mission to Protect Women against Violence and the Fight against Trafficking (MIPROF) was established in 2005 with a mandate to collect, analyse and disseminate information and data on VAW coming from different sources: research surveys, police and justice data, and CSO data. This allows the monitoring of trends and progress.

The mission's working group is composed of different ministerial statistical services and national research institutes giving impetus to relevant ministries to update data regularly and respond to the need for better quality data as requested by MIPROF.

The mission responds to the recommendations of the European convention on preventing VAW and domestic violence (Istanbul Convention).

### **Police and judicial administrative data on intimate partner violence, femicide, rape and sexual assault (Sweden)**

Sweden's official crime statistics developed indicators on gender equality policies — out of 88, 14 indicators are specifically related to VAW including rape, sexual coercion, sexual abuse, sexual molestation, gross violation of women's integrity and stalking.

Nationwide data are available since 1975 and are a basis for decision-makers within the judicial system, the parliament and the government showing a strong legislative and policy framework on gender mainstreaming and on combating VAW.

All data are sex disaggregated concerning both the victims and the offenders and include information on the number of processed offences.

The National Council for Crime Prevention, which is responsible for crime statistics, works closely with delivering authorities, ensuring high-quality data collection and coordination between several stakeholders.

Crime statistics conform to international and European statistical standards.

## **About the study**

Within the framework of its strategy for combating gender-based violence and to support the institutions and experts engaged in preventing and combating gender-based violence in the EU and beyond, EIGE provides access to existing statistical data and information on gender-based violence. In this context, EIGE has commissioned the study 'Collection of good practices on administrative data collection on violence against women'. The objective of this study is to identify effective approaches and mechanisms implemented in EU Member States to collect administrative data on gender-based violence. Specific focus is on data from police, justice, health and social services and the 'other' administrative systems (e.g. related ministries). The study assesses those mechanisms that facilitate a systematic collection of comparable data. This enables reporting the number of reported cases and supporting the monitoring of actions taken to eradicate VAW. The project contributes to the establishment of a systematic collection of robust, reliable and comparable administrative data on VAW in the EU. It builds on previous work by EIGE on VAW, in particular the EIGE study 'Mapping the current status and potential of administrative data sources on gender-based violence in the EU'<sup>3</sup>. The study was carried out by the Istituto per la ricerca sociale (IRS). Country information was collected by the IRS and its network of national experts.

More information about the study is available at: <http://eige.europa.eu>

<sup>3</sup> <http://eige.europa.eu/gender-based-violence/eiges-studies-gender-based-violence/mapping-current-status-and-potential-administrative-data-sources-gender-based-violence-eu>

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“Violence against women is not a women’s issue. Men must boldly work alongside women to combat this violence – and not simply because they have wives, daughters, or sisters. Women deserve the full depth of respect, safety, and dignity, regardless of their relationships with men.”

*Justin Trudeau, Prime Minister of Canada, 2016*



“From the burning of witches in the past, to the more recent widespread custom of female infanticide in many societies, to the killing of women for so-called honor, we realize that femicide has been going on a long time.”

*Dr Diana Russell, Author, 1976*



“Violence against women and girls is a human rights violation, public health pandemic and serious obstacle to sustainable development. It imposes large-scale costs on families, communities and economies. The world cannot afford to pay this price.”

*Ban Ki-moon, UN Secretary-General, 2016*



“Gender-based violence cannot be effectively addressed unless we dismantle the foundations of the discriminatory system that gives women a lower status in society.”

*Statement of UN Women’s Human Rights Experts, 2017*

